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Implementation of education for sustainable development

Note by the Secretary-General

The Secretary-General transmits herewith the report from the Director General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) on the implementation of education for sustainable development.

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Report of the Director General of the United Nations Educational, Scientific and Cultural Organization on the implementation of education for sustainable development

Summary

At its thirty-seventh session, the General Conference of UNESCO endorsed the Global Action Programme on Education for Sustainable Development as follow-up to the United Nations Decade of Education for Sustainable Development after 2014. In its resolutions 69/211 and 70/209, the General Assembly acknowledged the Programme.

As requested by the General Assembly in resolution 70/209, the present document provides a general overview of the implementation of Sustainable Development Goal 4 on education and a review of the implementation of education for sustainable development in the framework of the Global Action Programme on Education for Sustainable Development.

I. Introduction

A. Background

1. Education for sustainable development "empowers learners to take informed decisions and responsible actions for environmental integrity, economic viability and a just society, for present and future generations, while respecting cultural diversity. It is about lifelong learning, and is an integral part of quality education. Education for sustainable development is holistic and transformational education which addresses learning content and outcomes, pedagogy and the learning environment. It achieves its purpose by transforming society".[1] Education for sustainable development is an important part of Sustainable Development Goal 4 on education.

2. UNESCO, as the lead agency for education for sustainable development, coordinates the Global Action Programme on Education for Sustainable Development. On the basis of broad consultations and input from a wide range of stakeholders, the Programme was endorsed by the General Conference of UNESCO at its thirty-seventh session, in November 2013, and acknowledged by the General Assembly in its resolutions 69/211 and 70/209 as follow-up to the United Nations Decade of Education for Sustainable Development after 2014 (see A/69/76).

3. The Global Action Programme is focused on generating and scaling up action in five priority action areas (see para. 25 below). UNESCO supports partners and stakeholders, raises awareness and visibility, advocates education for sustainable development at the international level and supports member States in integrating education for sustainable development into education plans and programmes.

4. There has been growing international recognition of education for sustainable development as an integral element of quality education and a key enabler of sustainable development, as evidenced by references in key documents such as the Education 2030 Framework for Action, the United Nations Environment Assembly resolution 2/3 on environmental education, the 10-Year Framework of Programmes on Sustainable Consumption and Production Patterns, the SIDS Accelerated Modalities of Action (SAMOA) Pathway, the Paris Climate Agreement, the Cartagena Declaration (Forum of Latin American and Caribbean Ministers of Environment), the Group of 7 Kurashiki Declaration, the Batumi Ministerial Statement on Education for Sustainable Development, the Nicosia Declaration on Education for Sustainable Development and the call for action adopted by the United Nations Conference to Support the Implementation of Sustainable Development Goal 14. The substantial inclusion of education for sustainable development in the 2030 Agenda for Sustainable Development provides strong support for scaling up education for sustainable development action in the coming years.

5. Education 2030 places a spotlight on the central role of education and learning in the common pursuit of sustainable development. Its conceptual basis, socioeconomic implications and environmental and cultural connections make it an enterprise that touches on every aspect of life. It requires far-reaching changes in the way education is often practised today.

[1] See UNESCO, UNESCO Roadmap for Implementing the Global Action Programme on Education for Sustainable Development (2014). Available from http://unesdoc.unesco.org/images/0023/002305/230514e.pdf.

B. Outline of the present report

6. The present report is prepared in accordance with General Assembly resolution 70/209, in which the Assembly requested UNESCO to present a review of the implementation of education for sustainable development in the framework of the 2030 Agenda for Sustainable Development and of the Global Action Programme on Education for Sustainable Development at its seventy-second session. The document provides general information on the implementation of Sustainable Development Goal 4 on education and an overview of education for sustainable development and the implementation of the Programme. It also contains recommendations and ways forward for education for sustainable development in the coming years.

7. The report was drafted on the basis of replies to surveys by the key partners of the Global Action Programme (90 stakeholders with extensive outreach and political influence selected by UNESCO to co-implement the Programme) and other education for sustainable development organizations and stakeholders; interviews with key informants; and the 2016 Global Education Monitoring Report, the 2016 preliminary monitoring report focusing on the Programme key partners and the 2017 mid-term report on the implementation of the Programme and information from other relevant sources, such as the Sustainable Development Knowledge Platform.

II. Addressing Sustainable Development Goal 4 on education

A. Providing quality education for all to achieve sustainable development

8. In the 2030 Agenda for Sustainable Development, education is recognized as key to sustainable development. Through the Incheon Declaration, adopted at the 2015 World Education Forum, UNESCO, as the specialized agency for education, was entrusted to lead and coordinate the education goal with its partners. The road map for achieving the 10 targets of Sustainable Development Goal 4 ("ensure inclusive and equitable quality education and promote lifelong learning opportunities for all") is the Education 2030 Framework for Action, adopted in November 2015, through which guidance is provided to Governments and partners on how to implement the new education agenda and translate into practice the commitments made at the country, regional and global levels.

9. The ambitious education agenda can only be achieved if strong, inclusive, multi-stakeholder partnerships and strategic alliances are formed to ensure that the international community meets its common goal by 2030. The main responsibility for implementing the agenda lies with Governments, UNESCO and partners providing support through coordinated policy advice, technical assistance, capacity development and the monitoring of progress at the global, regional and national levels. In this regard, UNESCO has tailored its education programme to help countries to achieve Sustainable Development Goal 4 and its targets and to monitor their efforts. The focus is on supporting the implementation of Sustainable Development Goal 4 at the country level and leading the coordination and monitoring of the implementation at the global and regional levels.

10. UNESCO has set up a number of partnerships and coordination mechanisms at the global, regional and national levels to support the implementation of the new education agenda. At the global level, the Sustainable Development Goal-Education 2030 Steering Committee, an inclusive, high-level, multi-stakeholder coordination

mechanism convened by UNESCO, was set up. Its main objective is to support countries and partners to achieve Sustainable Development Goal 4 and the education-related targets of the 2030 Agenda through strategic guidance, monitoring, partnerships, advocacy and the harmonization of partner activities. At the regional level, regional and subregional partner groups/coordination mechanisms for Education 2030 have been set up in most regions (West and Central Africa, Asia and the Pacific, the Arab States, Latin America and the Caribbean). The Collective Consultation of NGOs on Education 2030 is another key mechanism to support the implementation of Sustainable Development Goal 4. Other partners — in academia, the private sector, youth organizations, the media and communities — are also called upon to provide their contributions.

11. In the 2016 Global Education Monitoring Report, it was shown that, if current efforts are not greatly and immediately increased, the international community will fail to meet its goal. Key challenges for countries include the need to build capacity, a lack of data and information and a need for increased, more effective and equitable domestic funding for education. In recent years, global funding for education has clearly decreased, leading to a major funding gap.

12. The 2016 Global Education Monitoring Report also contains recommendations on how education systems can contribute more effectively to sustainable development.

(a) Collaborations and synergies across all sectors and partners have to be supported. Since systemic problems require multiple actors and diverse perspectives, stronger efforts are needed to involve all partners, including ministries, education experts and civil society, at the local and national levels and across sectors;

(b) Governments need to view formal and non-formal education and training as key to their efforts to tackle cross-sector problems. Education and lifelong learning can help build capacity in all sectors. Many Sustainable Development Goal targets require specialized skills and expertise that education systems provide;

(c) Expanding the access of marginalized groups to good-quality primary and secondary education will help to reduce income inequality and disparity. Changes to labour market regulations and technology should not penalize workers in less secure jobs, especially in the informal sector;

(d) Education systems need increased and predictable financing to universalize the completion of primary and secondary education, increase the number of qualified, knowledgeable and motivated teachers, provide good-quality education to marginalized populations and prepare for the impact of climate change, natural disasters and the possibility of protracted conflict;

(e) Improving equity in universal primary and secondary education, especially for girls, would curtail population growth, transform social norms and practices across generations and limit the burden on the planet;

(f) In developing skills policies, education systems should address both medium- and long-term needs and the implications of sustainable growth. Teaching green skills to students and providing workers with opportunities to retrain and improve their skills are needed, as are changes in secondary- and tertiary-level curricula. Better cooperation with business and industry would improve the relevance and quality of teaching and learning;

(g) Civic, peace and sustainability education programmes can be important levers for Sustainable Development Goal progress. Effectively implemented, they can ensure a more equitable justice system, build capacity in judicial and law

enforcement, foster less violent and more constructive societies, increase the understanding of the links between culture, the economy and the environment, and prioritize actions that improve prospects for future generations. This is the particular focus of target 4.7 of Sustainable Development Goal 4, which addresses education for sustainable development and related approaches, such as global citizenship education, health and well-being and sustainable lifestyles.

13. In sum, the broadened and ambitious Education 2030 agenda requires sustained and increased commitment and action by Governments and all partners in order to ensure inclusive and equitable quality education and promote lifelong learning opportunities by 2030.

B. Mainstreaming a gender perspective

14. Throughout all its programmes, UNESCO is intensifying its efforts to achieve gender equality and empower women and girls (Sustainable Development Goal 5) in terms of access to education, participation in decision-making, especially in science, promotion as agents of social change, and in the fight against violence towards women.

15. UNESCO promotes gender mainstreaming and gender-specific programming in the implementation of the Global Action Programme, aligned with its Gender Equality Action Plan 2014-2021. Gender mainstreaming is being applied to fully integrate gender equality considerations into programme strategies and activities, including policy advice, advocacy, research, normative and standard-setting work, capacity development, monitoring and evaluation/assessment and any other technical assistance. UNESCO is also supporting gender-specific programmes to reduce specific inequalities faced by women, men, girls or boys in particular situations. For example:

(a) In Afghanistan, UNESCO is providing technical support to the Ministry of Education to ensure gender-responsive content in skill-based literacy workbooks in eight skills areas, including peacebuilding, life skills, health and well-being and sustainable development;

(b) In Brazil, in partnership with municipalities, UNESCO has been supporting teacher training in global citizenship education, life skills education and education for sustainable development. It is also developing, in partnership with a public television station linked to the Ministry of Education, national campaigns on these themes aimed at public school teachers;

(c) In Guatemala, UNESCO is helping the Ministry of Education to implement a national strategy for citizenship education with a gender focus. The project has strengthened the accelerated primary education programme with educational materials that include education for sustainable development;

(d) In Saudi Arabia, South Sudan, the Sudan, the United Republic of Tanzania and Zambia, the UNESCO Institute for Lifelong Learning supported national authorities to scale up and develop inclusive, gender-responsive, quality literacy programmes in their national development strategies to promote peace, social cohesion and sustainable development;

(e) In Kenya, UNESCO is supporting science, technology, engineering and mathematics (STEM) programmes for girls. Through the STEM mentorship programme, 1,000 secondary school girls have been supported in the areas of mathematics, physics, agricultural sciences, marine and ocean sciences and several fields of engineering, including electronic and telecommunications engineering, geospatial and space technology engineering and aeronautical engineering.

UNESCO also supported teacher development in the area of gender-based violence. A trainer's guide on gender-based violence in educational institutions was developed using a competency-based approach to train and equip education professionals with the knowledge, skills and attitudes to address gender-based violence effectively in schools in Kenya.

16. In these ways, UNESCO is aiming to reduce persistent gender disparities and promote gender equality in education throughout the education system, in relation to education (access, promoting safe and empowering learning environments), within education (content, teaching and learning context and practices, delivery modes and assessments) and through education (learning outcomes, life and work opportunities).

17. In the 2016 Gender Review of the Global Education Monitoring Report, six key recommendations are offered for improving how to monitor and, therefore, hold countries and organizations accountable for gender equality in education:

(a) Develop a more comprehensive set of indicators that document gender equality, going beyond the aim of parity;

(b) Systematically monitor gender norms, values and attitudes and improve access to education;

(c) Promote gender equality in institutions outside education systems through laws and policies, resource distribution and better teaching and learning practices;

(d) Encourage closer links between those working on gender equality in education and those working on gender equality overall;

(e) Form a working group and a transnational network on measuring gender equality in education to share successful strategies;

(f) Monitor practices inside the classroom: curricula, textbooks, assessments and teacher education, and include gender sensitivity assessments in classroom observation tools.

C. No country left behind

18. The 2030 Agenda shows a commitment to inclusivity ("leaving no one behind") that comprises ending poverty in all its forms and reducing poverty within and among countries. This requires giving the highest priority to supporting least developed countries and those in conflict and other special development situations. In terms of Sustainable Development Goal 4, inclusion and equity lay the foundation for quality education.

19. Armed conflict is one of the greatest obstacles to progress in education. According to the 2016 Global Education Monitoring Report, in conflict-affected countries, 21.5 million children of primary school age (35 per cent of the total) and nearly 15 million adolescents of lower secondary age (25 per cent) are out of school. The importance of education in crises is reflected in a number of targets under Sustainable Development Goal 4. In target 4.5, providing equal access to education "for the vulnerable, including persons with disabilities, indigenous peoples and children in vulnerable situations" is discussed; in target 4.7, the role of education for the "promotion of a culture of peace and non-violence" is emphasized; and in target 4.a, the necessity for "safe, non-violent, inclusive and effective learning environments for all" is underlined. In recognizing that crises constitute barriers to education, in the Education 2030 Framework for Action it is stipulated that countries must "institute measures to develop inclusive, responsive and resilient

education systems to meet the needs of children, youth and adults in crisis contexts, including internally displaced persons and refugees". The importance of disaster risk reduction, peace education, emergency preparedness and response, and the protection of education institutions from violence, including gender-based violence, are also emphasized.

III. Implementing education for sustainable development

20. The Sustainable Development Goals provide a holistic framework for organizations to connect education to sustainable development. Within the Goals, education is also included in the goals on health, growth and employment, sustainable consumption and production, and climate change. Together, they all provide many entry points for education for sustainable development as a crucial component of Sustainable Development Goal 4. It is explicitly recognized as part of target 4.7, together with global citizenship education, which UNESCO promotes as a complementary approach.[2]

21. Education for sustainable development resonates across all 17 Sustainable Development Goals; knowledge and behaviours are essential for the achievement of all the Goals and their targets. The Goals are thus helpful for generating policy support for education for sustainable development and providing a shared framework for action. They also provide an opportunity to make connections between topics and create synergies across goals.

22. Because all 17 Sustainable Development Goals are interrelated and education underpins all of them, the work of UNESCO contributes significantly to their achievement[3] through an integrated approach, drawing on all its areas of expertise and in close cooperation with United Nations agencies and Global Action Programme key partners. Education for sustainable development thus serves to engage not only the education sector but also other sectors concerned with the global development agenda by demonstrating the cross-cutting value of education.

23. As a substantial contribution to Education 2030 and all the Sustainable Development Goals, the implementation of the Global Action Programme, at the national, regional and global levels, is aimed at generating and scaling up specific actions in education for sustainable development and at addressing key sustainability challenges through education.

A. Global Action Programme on Education for Sustainable Development

24. The UNESCO Global Action Programme was launched at the World Conference on Education for Sustainable Development, held in Aichi-Nagoya, Japan, in November 2014. It is focused on generating and scaling up education for sustainable development action at all levels and in all areas of education and in all sectors of sustainable development. To enable strategic focus and foster stakeholder commitment, five priority action areas were identified: advancing policy; transforming learning and training environments; building the capacity of educators and trainers; empowering and mobilizing youth; and accelerating sustainable solutions at the local level. It should be noted that many stakeholders carry out their

[2] See *Global Citizenship Education: Topics and learning objectives*, UNESCO, 2015. Available from http://unesdoc.unesco.org/images/0023/002329/232993e.pdf.

[3] See *UNESCO moving forward the 2030 Agenda for Sustainable Development*. Available from http://unesdoc.unesco.org/images/0024/002477/247785e.pdf.

own education for sustainable development work, and Programme activities represent part of that portfolio.

25. To date, more than 520 education for sustainable development stakeholders have pledged to undertake Global Action Programme activities. The stakeholders include policymakers, institutional leaders, educators, youth, local authorities and civil society leaders representing universities, education organizations, Governments, teacher networks, United Nations agencies and others. Education for sustainable development stakeholders have made Programme launch commitments, that is, plans for specific activities in support of one or more of the five priority action areas.

26. Ninety of these stakeholders (including members of Government, civil society, United Nations agencies and academic partners) were selected as key partners and grouped into five networks. The Programme partner networks intensify synergies between the Programme activities of the key partners and catalyse further action from other education for sustainable development stakeholders. The partner networks are valuable mechanisms for creating synergies through information-sharing and coordination. They are also a helpful forum for peer-to-peer sharing and support.

27. Together with the key partners, UNESCO pursues the following expected results:

(a) Global Action Programme implementation coordinated effectively and global education for sustainable development community of practice fostered;

(b) Education for sustainable development reinforced in national and international education and sustainable development policies;

(c) Sustainability principles integrated into education and training environments;

(d) Education for sustainable development capacity of teacher training institutions enhanced;

(e) Education for sustainable development youth leaders empowered and mobilized;

(f) Education for sustainable development programmes at the local level mainstreamed.

28. In the 2017 midterm review of the implementation of the Global Action Programme, it was revealed that the key partners exceeded the targets they had set for themselves for each of the five priority action areas. The following key findings are highlighted:

(a) *Advancing policy*. Advancing policy is a foundational activity for education for sustainable development and the one in which the greatest number of key partners are engaged. Education systems are increasingly informed by education for sustainable development strategies, guidelines and frameworks. From early 2015 until the end of 2016, key partners supported the development of 432 strategic policy documents and 701 programmes, providing technical support for policy development implemented at the country level in 135 countries;

(b) *Transforming learning and training environments*. The Programme partner networks are useful for accelerating action to transform learning and training environments. Whole-school approaches are effective in providing multiple entry points for education for sustainable development activities to involve large numbers of learners. Through their collective actions, key partners supported 73,143

schools and involved 2,458,954 learners in education for sustainable development activities between early 2015 and the end of 2016;

(c) *Building capacities of educators and trainers*. Capacity in education for sustainable development can be developed through various modalities, including face-to-face training, professional exchanges and online courses, offering many ways to meet the needs of the programme beneficiaries. Key partners provided capacity-building activities to 14,873 teacher training institutions and 1,540,400 teacher educators in 2015 and 2016;

(d) *Empowering and mobilizing youth*. Key Partners recognize that youth involvement is central to the success of education for sustainable development because young people have the power to multiply programmes through their networks. They have engaged youth through policy forums, leadership training and conferences. Key partners have collectively supported 1,718,889 youth leaders and trained 626,192 youth leaders to be trainers in 2015 and 2016;

(e) *Accelerating sustainable solutions at the local level*. Local authorities are critical actors in the implementation of education for sustainable development, and network/civil society partnerships are an effective strategy for involving them because they imply that it is important to develop local communities' ownership, which can be assured in a consultative process. Key partners supported local authorities to establish 745 education for sustainable development activities or programmes and 1,192 networks/civil society organizations to conduct such activities in 2015 and 2016.

29. In addition to coordination, mobilization and advocacy of the Global Action Programme, UNESCO carries out implementation activities through joint projects in each of the priority action areas. Developed jointly by UNESCO and selected key partners, these projects solidify education for sustainable development on national agendas, and help to galvanize a shared vision and understanding of its central concepts by establishing collaboration with Governments and local authorities, transforming learning environments, building the capacities of education for sustainable development stakeholders, engaging youth and developing policies and curricula.

B. International cooperation in education for sustainable development

30. At the global level, as part of providing overall management and coordination of the Global Action Programme, UNESCO provides strategic guidance for integrating education for sustainable development and facilitates cooperation among member States and stakeholders to collaborate on joint actions, spearhead the implementation of activities and share and exchange technical expertise, outreach capacity or resources.

31. Other coordination mechanisms dedicated to specific issues support United Nations cooperation on education for sustainable development. These include, among others, the United Nations Alliance for Action on Climate Change Education, Training and Public Awareness?, the Global Alliance for Disaster Risk Reduction and Resilience in the Education Sector and the 10-Year Framework of Programmes on Sustainable Consumption and Production Patterns, in particular, its Sustainable Lifestyles and Education programme.

32. With support from the Government of Switzerland, the One United Nations Climate Change Learning Partnership assists 16 countries in taking a strategic and results-oriented approach to climate change learning. National partners include Benin, Burkina Faso, the Dominican Republic, Ethiopia, Ghana, Indonesia, Malawi,

the Niger and Uganda. The Partnership also supports a regional programme implemented by the members of the Central American Integration System.

33. The United Nations University promotes multi-stakeholder cooperation at the local level and a global community of practice through the network of regional centres of expertise for education for sustainable development. The centres are networks of existing formal and non-formal organizations that facilitate learning about sustainable development in local communities. Across the world, 156 centres have been accredited so far. For this global network, the Global Action Programme and its implementation have provided a guiding discussion on the planning of regional activities. Centres in the Asia-Pacific region, for example, drafted a collective action plan on Programme priorities relating to the Sustainable Development Goals.

34. The United Nations Environment Programme Global Universities Partnership on Environment and Sustainability, with the involvement of universities across the world, provides a strategic and inclusive platform to share sustainability solutions, promote education for sustainable development and support the mainstreaming of environment and sustainability practices into universities. More than 570 universities across the world are currently part of this growing network.

C. Developing national capacities for education for sustainable development

35. UNESCO and its partners have supported member States to strengthen their capacities to integrate education for sustainable development into education in multiple dimensions, including policy, planning, curriculum, teaching and teachers, community-based learning and learning materials. Country-level interventions provide an important means to strengthen political commitment and the capacity to use education systematically to address global challenges. Stakeholders' involvement in the planning and implementation of activities is key to promoting and increasing the sustainability of actions and fostering linkages with other programmes.

36. This support includes providing guidance to member States on how to implement education for sustainable development and address key development issues, such as climate change, disaster risk and biodiversity. For instance, in collaboration with the secretariat of the United Nations Framework Convention on Climate Change, UNESCO published guidelines to support the national implementation of the education article of the Convention on Climate Change, including the development of national climate change education and awareness strategies.[4] To respond to the need to develop specific tools to support communication, education and public awareness with respect to biodiversity, UNESCO and the secretariat of the Convention on Biological Diversity jointly developed a biodiversity learning kit on the occasion of the United Nations Decade on Biodiversity (2011-2020). Furthermore, in regard to the Sustainable Development Goals, UNESCO recently released a publication, "Education for Sustainable Development Goals: Learning Objectives", on how education for sustainable development can support each of the 17 Goals.

37. The involvement of various stakeholders, in particular local governments, universities and ministries, in not only education but other sectors, and close

[4] See *Action for climate empowerment: guidelines for accelerating solutions through education, training and public awareness* (2016). Available from http://unesdoc.unesco.org/images/0024/002464/246435e.pdf.

cooperation and coordination among them, are some of the keys to success in whole-institution approaches and community-based actions.

38. Japan, for example, formulated a national implementation plan on education for sustainable development under the Global Action Programme, in March 2016, at an interministerial meeting on education for sustainable development, in which 11 ministries participated. The plan stipulates the actions needed to be taken by the public sector, and based on it, the country is promoting education for sustainable development with a whole-Government approach. Japan also organized an education for sustainable development round-table meeting, which involved 23 education for sustainable development experts and stakeholders, including teachers, national professional officers and academics, to review the implementation of the Programme and discuss the way forward. Many efforts are being undertaken in this context.

39. Germany, as a federal country, launched a comprehensive and participatory multi-stakeholder process to implement the Global Action Programme. The German Federal Ministry of Education and Research has established a high-level national platform, expert forums and partner networks, which bring together more than 600 representatives from politics, science, the private sector and civil society. Together, they shape and advance national implementation of the Programme. In 2017, a national action plan on education for sustainable development, which defines objectives and measures to scale up education for sustainable development in all areas and at all levels of the German education system, was adopted. Once a year, a nationwide conference for all stakeholders is held to exchange ideas, present innovative practices and accelerate activities. An award scheme highlights good practice in scaling up education for sustainable development action and illustrates how sustainability can be mainstreamed into the structures of the German education system. A national education for sustainable development monitoring process has been established and a national set of indicators for education for sustainable development will be developed.

40. Kenya, Costa Rica and Viet Nam are all supported through the Japanese fund-in-trust for education for sustainable development to implement Global Action Programme priority action area 1 on advancing policies. As a result, Kenya launched an education for sustainable development policy for the education sector in March 2017. The policy was developed through a countrywide consultative process, taking into account a nationwide stakeholder engagement already endorsed in the national development plans of Kenya for sustainable development. As a next step, the country is planning awareness-raising and capacity development for the education for sustainable development policy in its 47 counties. Education for sustainable development policies were developed in Costa Rica and are being translated into action plans with specific roll-out programmes for capacity-building. Viet Nam has developed capacity-building tools and policy briefs for education for sustainable development policy developers and implementers. A wide range of stakeholders from different ministries and sectors is involved in the formulation and implementation of education for sustainable development policies in all three countries.

41. The Korean National Commission for UNESCO has conducted research to define an education for sustainable development whole-school approach and is implementing it in UNESCO associated schools in the Republic of Korea. In 2016, the Commission supported professional learning communities of associated schools teachers, specifically addressing sustainability in curricula, teaching, pedagogy, school operations, facilities and community relations at the relevant schools. Sixteen professional learning communities benefited from the Commission's support, and 70 associated schools teachers participated in a capacity-building

workshop on the education for sustainable development whole-school approach. The results of these activities will be disseminated to all Korean associated schools as examples of good practice.

42. The Southern African Development Community (SADC) and the Swedish International Centre of Education for Sustainable Development are collaborating with UNESCO and other partners to mainstream education for sustainable development into teacher education within the SADC region. A "change project" approach has been used to enable the institutionalization of education for sustainable development in teacher education settings. The methodology is aimed at initiating changes that fulfil the aspirations of the Global Action Programme. There are currently more than 40 change projects being supported at different implementation stages.

D. Scaling up education for sustainable development

43. The theory of change uniting the Programme key partners and other stakeholders is built on the five priority action areas: to be successful, education for sustainable development needs a supportive policy environment; transformed learning environments; trained educators; mobilized youth; and locally derived solutions. Key partners implement programmes to generate change in each of these areas and collaborate with local partners to anchor education for sustainable development in communities. A comprehensive and ground-based approach is favoured.

44. Scaling up is achieved through the multiplication of activities across the partner networks, facilitated by information exchange and joint projects. The programmes of key partners grow numerically, engaging an increasing number of people and communities. They are also intensified and deepened in terms of their content. The partner networks are effective collectives for advancing the implementation and scaling up of education for sustainable development. In addition, their showcasing of good practice is crucial in identifying projects and initiatives that can be scaled up.

45. Awarded for the first time in 2015, the UNESCO-Japan Prize on Education for Sustainable Development, funded by the Government of Japan, honours outstanding projects by individuals, institutions and organizations relating to education for sustainable development, based on three distinct selection criteria: transformation, integration and innovation. The Prize is an efficient vehicle for giving recognition and visibility to people and organizations that have been promoting education for sustainable development on the ground. What makes the Prize unique is its programme approach, which continues after the award ceremony, with support for activities and regular follow-up with laureates, including the organization of national and regional events.

E. Monitoring the implementation of education for sustainable development

46. Measuring the impact of actions is one of the stakes of the 2030 Agenda. The global indicator for Sustainable Development Goal target 4.7, adopted by the General Assembly in July 2016, assesses the extent to which education for sustainable development and global citizenship education are integrated into national education policies, school curricula, teacher training and student assessments. Target 4.7 emphasizes the knowledge and skills needed to promote sustainable development, closely aligned with the vision of the 2030 Agenda.

Measuring and monitoring its progress has specific challenges, and UNESCO continuously gathers data that can be used to monitor progress in education for sustainable development and related approaches.

47. Recent analysis in the 2016 Global Education Monitoring Report, entitled "Education for people and planet: Creating sustainable futures for all", indicates that mainstreaming education for sustainable development and global citizenship education into curricula remains a challenge. For example, while 73 per cent of 78 countries with data included the key term "sustainable development", only 36 per cent included the notion of climate change. The terms "global citizenship" and "global identity" appeared in the curricula of only 42 per cent of the countries.

48. As the principles of the 1974 UNESCO Recommendation concerning education for international understanding, cooperation and peace and education relating to human rights and fundamental freedoms are closely aligned with Sustainable Development Goal target 4.7, countries' reports on the implementation of the Recommendation have been considered to be the main source of data for the global indicator of this target. Every four years, UNESCO invites member States to submit these progress reports. Five reporting cycles have been conducted so far. The sixth cycle was launched in 2016 following the adoption of a revised questionnaire to obtain data relevant to the global indicator for target 4.7. National reports were submitted by 83 countries. The data obtained will also be used to report on target 12.8 on sustainable lifestyles and target 13.3 on climate change education.

49. In 2015, UNESCO commissioned a review of past country reports on the implementation of the 1974 Recommendation for the reporting cycles for which data are available (cycles 3 to 5)[5] to identify the extent to which education for sustainable development and global citizenship education are mainstreamed across reporting countries. The result of the analysis of a total of 94 reports (37 from 2005-2008 and 57 from 2009-2016) showed that more than half of the responding countries have integrated education for sustainable development into their national education policies. It also indicated that while education for sustainable development is increasingly becoming mandatory in the curriculum, further efforts are required to incorporate education for sustainable development into teacher education.

50. UNESCO is also collaborating with the International Association for the Evaluation for Educational Achievement on the International Civic and Citizenship Education Study to monitor progress in knowledge and understanding, skills, beliefs, attitudes and behaviours relating to education for sustainable development and global citizenship education.

51. UNESCO is sharing information and data on the progress of Sustainable Development Goal target 4.7 through a dedicated web page entitled "Learning to live together sustainably (SDG4.7): Trends and Progress". The page provides policymakers, concerned education stakeholders and the public with information that can help monitor global progress on Sustainable Development Goal target 4.7. It features information drawn from regional, multi-country or national data sets and other established instruments, provides evidence and links to data sets relating to progress on target 4.7 and includes key findings of UNESCO studies and data analyses.

[5] See *Historical efforts to implement the UNESCO 1974 Recommendation on Education in light of 3 SDGs Targets*. Available from http://unesdoc.unesco.org/images/0024/002472/247275E.pdf.

IV. Ways forward

A. Future of education for sustainable development

52. The current framework of the Global Action Programme will come to an end in 2019. To prepare for the next stage of the implementation of education for sustainable development, UNESCO has initiated a series of consultation processes and launched a series of symposiums on the future of education for sustainable development to address its challenges in relation to changes taking place in the world. The series consists of four symposiums on the following topics: sustainable choices; what to teach and how; education for sustainable development in the context of poverty; and future economic environment and sustainable production and consumption. To reflect on the results of these symposiums, a wider consultation with key partners and education for sustainable development stakeholders, and consultations with member States, are planned for 2018. The outcomes of the symposiums and consultations will be synthesized in a position paper to be submitted to the UNESCO governing bodies to inform their decisions regarding the future of the Programme and the direction of the education for sustainable development programmes of UNESCO.

53. UNESCO will thus ensure that education for sustainable development is at the forefront of efforts to achieve sustainable development worldwide. As member States' commitment is crucial for the further mainstreaming of education for sustainable development, their involvement in the process of designing a future strategy for education for sustainable development that reflects their specific needs and priorities has to be encouraged and supported.

B. Recommendations

54. To date, UNESCO has promoted education for sustainable development as vital and necessary to providing the knowledge, skills, attitudes and values that empower learners to take informed decisions and responsible actions for environmental integrity, economic viability and a just society. To overcome barriers to living sustainably, it is essential to encourage and cultivate creativity and collaboration across disciplines. Efforts have been undertaken to mainstream education for sustainable development into education policies, curricula and teacher training. Climate change, disaster risk reduction and biodiversity have been the thematic focus of the education for sustainable development programmes of UNESCO. Policymakers, institutions, educators, youth and local communities are the target groups of the Global Action Programme.

55. Many of these directions and strategic decisions remain valid, but their relevance and effectiveness may need to be reviewed in relation to emerging developments in the world, including, but not limited to:

(a) *Sustainable development as a way of life*: young people in particular approach the issue of sustainability as part of their choice of a specific way of life and with a commitment to certain values. Education for sustainable development, implemented as an education on specific sustainability challenges, does not speak to them effectively;

(b) *Meaningful engagement of youth*: finding new ways to empower and mobilize youth is a recurring necessity in education for sustainable development, as their needs and circumstances are changing continuously. In particular, in line with the UNESCO Operational Strategy on Youth (2014-2021), the role of youth must be redefined. Young people must no longer be seen as the beneficiaries of actions, but

as meaningfully engaged actors, change-makers and partners in their design, implementation and monitoring. For education for sustainable development to be relevant, it must constantly be adapted according to the input of young people;

(c) *Education for knowledge and skills versus education for values and empowerment*: current education systems, with their focus on individual subjects and specialized knowledge, are not adapted to the task of empowerment for sustainable development. Education for sustainable development and its holistic and humanistic approaches must further strive to transform education beyond its knowledge and skills focus and promote values and attitudes conducive to sustainable choices;

(d) *Technological advances and education*: in the age of the Internet, learning can take place anywhere and anytime, with the learners themselves becoming the central agent of obtaining and analysing information. This calls for revisiting the role of formal education and, more specifically, of teachers, to focus more on the development of critical thinking skills and of the "whole person";

(e) *Technological solutions for sustainable development*: technological advances, such as smart cities, are beginning to resolve some of the long-standing issues of sustainable development, supporting or even surpassing some of the educational efforts to change people, their attitudes and their behaviours;

(f) *Citizenship approach and the importance of community*: in many countries, education for sustainable development messages are becoming increasingly integrated into citizenship actions, which take place outside the formal education system. The life sphere in and for the community, beyond the classroom, is becoming a major action platform for education for sustainable development;

(g) *Developing and developed countries*: choosing a sustainable way of life does not necessarily have the same meaning in different economic contexts, owing to poverty, high youth unemployment and other factors. The promotion of education for sustainable development must take these differences into account;

(h) *Sustainable Development Goals*: education is crucial for the successful implementation of all 17 Sustainable Development Goals. Therefore, UNESCO may need to broaden the perspective of its current education for sustainable development programme, which has focused on some specific areas, such as climate change, disaster risk reduction and biodiversity. A wider and closer partnership with key stakeholders may also be required.

V. Conclusion

56. Education is the key to building a better and more sustainable future for present and future generations.[6] To implement and achieve the Education 2030 Framework for Action agenda, sustained and increased commitment and action from Governments and all partners are required.

57. As a key component and enabler of sustainable development, education for sustainable development has progressed constantly. It is spearheading a growing movement of learners, educators, decision makers and other stakeholders who recognize the importance of collective responsibility in addressing global challenges and building more sustainable and resilient societies.

[6] See also Worldwatch Institute, *State of the World — EarthEd: Rethinking Education on a Changing Planet* (2017).

58. Learning to live sustainably is a long-term proposition requiring everyone's attention and involvement. To move towards a sustainable, just and inclusive world, member States and other concerned stakeholders should continue to scale up education for sustainable development action by implementing the five priority action areas of the Global Action Programme — policy, learning environments, educators, youth, and local communities — and promoting and supporting education for sustainable development in all countries.

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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Applicable international human rights standards and related obligations addressing the issues faced by persons with albinism

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Independent Expert on the enjoyment of human rights by persons with albinism, Ikponwosa Ero, in accordance with Human Rights Council resolution 28.6.

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Report of the Independent Expert on the enjoyment of human rights by persons with albinism

Summary

In the present report, the Independent Expert on the enjoyment of human rights by persons with albinism looks at the international human rights standards pertaining to the human rights violations faced by persons with albinism and the correlating obligations for States. She discusses the implications for persons with albinism of the rights to equality and non-discrimination, life and freedom from torture and the importance of combating impunity, as well as efforts to combat harmful practices and trafficking in body parts. It also looks at specific aspects of the right to health, education, housing and work, which are particularly relevant to persons with albinism. Lastly, she considers how some aspects of international refugee law have been applied to persons with albinism.

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I. Introduction

1. In the vision of her mandate, the Independent Expert on the enjoyment of human rights by persons with albinism set several goals, including to "identify the applicable human rights legal framework and the key international human rights instruments that could both comprehensively and effectively address the human rights-related issues faced by persons with albinism in a sustainable way".[1] In the present report, she seeks to fulfil that objective.[2] In so doing, relevant international human rights treaties of general and specific application are identified. The interpretative aid of jurisprudence emerging from a variety of treaty bodies and other international human rights mechanisms, including those dealing specifically with persons with albinism, is also analysed. Lastly, the Independent Expert identifies key corresponding obligations of Member States for the full enjoyment of human rights by persons with albinism and makes practical recommendations in this regard.

II. Persons with albinism

2. People are affected by albinism throughout the world. However, the impact of the condition on human rights and its perception by others, including its effect on social inclusion, vary by region. The condition of albinism is non-contagious, genetically inherited and affects people regardless of race, ethnicity or gender. It results from a significant deficit in the production of melanin and is characterized by the partial or complete absence of pigment in any or all of the skin, hair and eyes. Persons with albinism therefore often appear pale in comparison with members of their family and their communities. Today, it is estimated that in Europe and North America the frequency of albinism is 1 in 17,000 to 1 in 20,000 births. In sub-Saharan Africa, the reported frequency ranges from 1 in 5,000 to 1 in 15,000, with prevalence rates of 1 in 1,000 for selected populations. A higher frequency, 1 in 700, has been reported in certain parts of the Pacific and among some indigenous peoples in North and South America, 1 in 70 to 1 in 125.[3]

3. There are different types of albinism. The most well-known type is oculocutaneous albinism, which affects the skin, hair and eyes. Within this type are subtypes that may reflect varying degrees of melanin deficiency in an individual. Lack of melanin in the eyes results in high sensitivity to bright light and significant visual impairment, with the level of severity varying by person. This visual impairment often cannot be completely corrected. In addition, one of the most serious health implications of albinism is vulnerability to skin cancer, which remains a life-threatening condition for most persons with albinism in certain regions. All violations of civil and political rights relating to albinism reported to date have been linked to its oculocutaneous form, which is also the most visible type of albinism.

[1] See A/HRC/31/63, para. 47.

[2] See a complementary report by the International Bar Association with a thorough focus on sub-Saharan Africa and its regional human rights framework, available from **Error! Hyperlink reference not valid.**.

[3] The methodology of studies on the frequency of albinism is not homogenous and these numbers are to be understood as broad estimates.

III. International human rights standards of general and specific application and other sources of international law

4. In international human rights law, persons with albinism hold the same fundamental rights as any other individual or group. The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights recognize human rights of general applicability to all people, including persons with albinism. These include the rights to life, physical integrity, liberty, security, equality and non-discrimination, the highest attainable standard of physical and mental health and an adequate standard of living.

5. International human rights law includes internationally recognized standards providing protection to specific groups through the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the International Convention on the Elimination of all Forms of Racial Discrimination and the Convention on the Rights of Persons with Disabilities. The last-mentioned instrument is of paramount significance for persons with albinism, in particular because of the duty set out therein to provide reasonable accommodation.

6. Other international human rights instruments, including in the area of international criminal law, in particular, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, as well as international refugee law, may be invoked to ensure the full enjoyment of human rights by persons with albinism.

A. Equality, non-discrimination and intersectionality

7. Equality and non-discrimination are core principles of international human rights law, enforced on the basis of a non-exhaustive list of status or grounds set-out in every international and regional human rights instrument.

Intersectionality

8. Persons with albinism are a constituency of persons with disabilities and reports to the Independent Expert indicate that access to this protection framework is often granted to them on the basis of their visual impairment alone. Yet, studies indicate that persons with albinism also face discrimination stemming from their unusual appearance, in particular their colouring.[4] This suggests that persons with albinism encounter multiple and intersecting discrimination. Multiple discrimination is a situation where a person can experience discrimination on two or more grounds, in the sense that discrimination is compounded or aggravated.[5] Intersecting discrimination refers to a situation where several grounds for discrimination operate and interact with one another at the same time in such a way that they are inseparable.[6]

[4] Relebohile Phatoli, Nontembeko Bila and Eleanor Ross, "Being black in a white skin: beliefs and stereotypes around albinism at a South African University", in African Journal of Disability, vol. 4, No. 1, (2015).

[5] Committee on the Elimination of Discrimination against Women, general recommendation No. 25 (2004) on temporary special measures, para. 12.

[6] Committee on the Elimination of Discrimination against Women, general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention, para. 18.

9. While the Convention on the Rights of Persons with Disabilities recognizes multiple and aggravated forms of discrimination, it does so substantively for women and children with disabilities.[7] There are no sections on racial issues except for a preambular reference to discrimination based on colour. Therefore, an approach based exclusively on the disability framework would fail to encompass the complexity of intersecting discrimination faced by persons with albinism based on colour. Thus, the combination of the Convention on the Rights of Persons with Disabilities and the International Convention on the Elimination of All Forms of Racial Discrimination provides more comprehensive protection and promotion of the human rights of persons with albinism.

10. Relying on various conventions to provide the most adequate protection is not new, it is the consequence of an increasing recognition of multiple and intersecting violations that may affect a person or group.[8] These approaches have been used in human rights law to better map out violations faced, to grasp the depth of the consequences and to design practical and useful interventions. The last-mentioned goal is particularly useful for an emerging group, such as persons with albinism, who in several countries had little or no practical protection until the past decade.

11. Furthermore, the notion of multiple and intersecting discrimination affecting persons with albinism is firmly rooted in international human rights jurisprudence. In that respect, treaty bodies have applied non-discrimination provisions of human rights treaties to the situation of persons with albinism.

12. For example, the Committee on Economic, Social and Cultural Rights has recognized persons with albinism as a specific group facing discrimination.[9] The Committee on the Rights of the Child has also condemned persistent discrimination against children with albinism.[10]

13. In addition, the Human Rights Committee has addressed discrimination against persons with albinism under the heading "non-discrimination against vulnerable groups". The Committee has highlighted its concern at the stigmatization of and discrimination against persons with albinism.[11] Furthermore, the Committee on the Elimination of Discrimination against Women has expressed deep concern regarding the discrimination, stigmatization and social exclusion faced by persons with albinism. The Committee on the Elimination of Discrimination against Women has also addressed the situation of women with albinism under the concept of disadvantaged groups of women, noting the multiple forms of discrimination that they face.[12] Lastly, in recognition of the aggravated forms of discrimination faced by persons with albinism, the Committee on the Rights of Persons with Disabilities stated that persons with albinism were some of the most stigmatized and that legal protection against disability-based discrimination should be combined with protective

[7] Convention on the Rights of People with Disabilities, arts. 6-7.

[8] This was stressed by the Committee on the Rights of Persons with Disabilities in the context of persons with albinism (See CRPD/C/UGA/CO/1).

[9] International Covenant on Economic, Social and Cultural Rights, art. 2.2. The Committee on Economic, Social and Cultural Rights, general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights, states: "Some individuals or groups of individuals face discrimination on more than one of the prohibited grounds, for example women belonging to an ethnic or religious minority. Such cumulative discrimination has a unique and specific impact on individuals and merits particular consideration and remedying". See also E/C.12/BFA/CO/1, E/C.12/BDI/CO/1, E/C.12/UGA/CO/1, E/C.12/COD/CO/4 and E/C.12/TZA/CO/1-3.

[10] See, for example, CRC/C/CAF/CO/2, CRC/C/COD/CO/3-5, CRC/C/MWI/CO/3-5, CRC/C/ZAF/CO/4-8, CRC/C/TZA/CO/3-5, CRC/C/COG/CO/2-4 and CRC/C/KEN/CO/3-5.

[11] See CCPR/C/GHA/CO/1, CCPR/C/MWI/CO/1/Add.1, CCPR/C/BDI/CO/2, CCPR/C/TZA/CO/4, CCPR/C/KEN/CO/3 and CCPR/C/CIV/CO/1.

[12] See CEDAW/C/BDI/CO/5-6, CEDAW/C/TZA/CO/7-8, CEDAW/C/SWZ/CO/1-2 and CEDAW/C/MWI/CO/7.

measures against multiple and intersecting forms of discrimination faced by persons with disabilities, including persons with albinism.

Prohibition of discrimination based on disability

14. Persons with disabilities include those with long-term impairments, whether physical, mental, intellectual or sensory, which in interaction with various barriers may hinder full and effective participation in society, including the enjoyment of rights, on an equal basis with others. This approach to disability moves away from the charitable and medical models, which did not focus on the human rights and corresponding duties of the State vis-à-vis their citizens with disabilities. These older approaches also tended to exclude persons with albinism, as they were often seen as either not having physical disabilities or were categorized as "blind". While the human rights approach has taken hold normatively, as represented by the Convention on the Rights of Persons with Disabilities, the older approaches still persist and tend to hinder the enjoyment of human rights by persons with albinism. Nonetheless, the Convention offers a firm foundation for standards to which States parties can be held in their attempts to promote and protect the rights of persons with disabilities, including persons with albinism.

15. Equality and non-discrimination are enshrined in article 5 of the Convention on the Rights of Persons with Disabilities. Article 2 defines discrimination on the basis of disability and stresses that "it includes all forms of discrimination, including denial of reasonable accommodation", a substantive concept necessary to enable the exercise of rights on an equal basis with others.[13] The prohibition of discrimination on the basis of disability includes discrimination by association with a person with a disability, where a person without a disability is discriminated against based on any broad range of connections to a person with a disability. Mothers of children with albinism, for example, often face strong social stigma, discrimination and exclusion and would therefore fall under the normative protection of this clause.

16. In addition to article 5 of the Convention on the Rights of Persons with Disabilities, many provisions have been applied specifically to persons with albinism by the Committee on the Rights of Persons with Disabilities, including in its concluding observations on Kenya, Ethiopia and Uganda, in which specific references were also made to the relevance of article 8, on awareness-raising, article 10, on the right to life, article 19, on living independently and being included in the community, and article 25, on health.[14] The Committee has also stressed the importance of the involvement of representative organizations of persons with albinism in the framework of the implementation of recommended measures.[15]

Prohibition of racial discrimination on the ground of colour

17. An underlying factor at the heart of discrimination against persons with albinism is their visibility, owing to the pale or light colouring of any or all of the skin, hair and eyes. The appearance of persons with albinism makes them hypervisible, in particular in environments where the majority of the population have darker pigmentation, resulting in a stark contrast between the two groups, as is the case in sub-Saharan countries where attacks are reported.

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[13] Defined in article 2 of the Convention on the Rights of Persons with Disabilities as the "necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms".

[14] See CRPD/C/ETH/CO/1, CRPD/C/UGA/CO/1 and CRPD/C/KEN/CO/1.

[15] See CRPD/C/UGA/CO/1.

18. Under article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination, racial discrimination is a distinction and an exclusion, restriction or preference based on, inter alia, colour which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise of human rights and fundamental freedoms in the political, economic, social, cultural fields or any other field of public life on an equal footing with others. The grounds for discrimination listed in article 1 do not need to be combined, and discrimination based on any one of these triggers not only the applicability of the Convention, but also all the instruments applicable in the efforts to combat racial discrimination.[16]

19. Accordingly, the International Convention on the Elimination of all Forms of Racial Discrimination has recognized that persons with albinism, who are discriminated against on the basis of their colour, albeit often being of the same race, descent, national and ethnic origin as those who persecute them, face a manifestation of racial discrimination.[17]

20. The manifestations of discrimination against people with albinism on the basis of colour include harmful practices and violence, consisting of, but not limited to, physical attacks, mutilation and trafficking in body parts — all motivated in part by witchcraft beliefs and practices as reported in 27 countries in sub-Saharan Africa.

21. The Committee has expressed concern at the "discrimination and stigmatization faced by persons with albinism, on the basis of their colour"[18] and has subsequently recommended the implementation of effective measures to protect persons with albinism in action plans and other measures taken to implement the Durban Declaration and Programme of Action.

Prohibition of gender-based discrimination

22. Women and girls with albinism are victims of multiple discrimination including physical attacks, mutilation, rape, forced expulsion, domestic violence, abandonment and trafficking of body parts. Women who have a child with albinism are also the subject of multiple discrimination.

23. Mothers of children with albinism, including those who do not have albinism, are frequently blamed for "causing" the albinism of their children, accused of infidelity or having contracted a curse. Such social pressure and blame, which often comes from their spouses or partners, extended family members and society, puts women in a situation where they have to choose between abandoning their child or face abandonment by their husbands. It may also means expulsion from the community, social isolation (both self and community inflicted) to escape abuse and quarantine the perceived "curse".

24. As a result of abandonment, mothers of children with albinism often face poverty upon having the child with albinism. This exposes their child with albinism to further poverty confinement as it negatively affects the child's access to education and often pushes the child into child labour.

25. Women whose spouses were involved in attacks against their child with albinism often face threats of reprisal from their extended family and the community at large after testifying against their husbands in the investigation and prosecution of attacks.

[16] See CRC/C/ZAF/CO/2.
[17] Ibid.
[18] See CERD/C/ZAF/CO/4-8, para. 20.

26. The Committee on the Elimination of Discrimination against Women recognizes the intersecting forms of discrimination that affect women with albinism. The Committee has also addressed harmful practices specifically affecting women with albinism, including the practice of prescribing sex with girls or women with albinism as a cure for HIV/AIDS and the stigma and social exclusion suffered by mothers of children with albinism.[19] The Committee has also expressed its concern at the low number of prosecutions and convictions of cases of attacks against persons with albinism.[20] The combined effect of gender-based discrimination and discrimination against persons with albinism multiplies the barriers for women with albinism or mothers of children with albinism in gaining access to justice.

Prohibition of discrimination against children

27. Children with albinism face a very high risk of infanticide and, together with their mothers or on their own, abandonment.[21] In the absence of adequate birth and death registration systems and detailed census records targeting persons with albinism, there are no reliable statistics on these crimes and, therefore, cases are likely to go unreported and uninvestigated. It also means that early intervention in the areas of health, in particular skin cancer prevention and reasonable accommodation relating to visual impairment, is difficult to plan for as there are no data to guide the planning and policy making processes.

28. In addition, myths linked to the innocence of children and the alleged superpower of the body parts of children with albinism makes then a preferred target of attacks. The involvement of family members in a large number of reported attacks and the vulnerability of children who are easy to capture because they lack the physical strength necessary to defend themselves further increase this risk.

29. The Committee on the Rights of the Child has expressed concern at the violence perpetrated against children with albinism, who are subjected to rituals amounting to torture, cruel, inhuman or degrading treatment, kidnapping and death and stressed the high risk of expulsion of children with albinism from their families and a correlating vulnerability to trafficking.[22] The Committee has also expressed concern at other effects of discrimination against children with albinism leading to school dropout.[23] The particular vulnerability of children with albinism in cases of abandonment or where a family member is involved in an attack against them is especially concerning and has a strong impact on their access to remedies and protection.

B. Civil and political rights

Right to life

30. The right to life and physical integrity of persons with albinism is systematically violated in the context of attacks, killings, mutilations and abandonment. The right to life is recognized in several human rights instruments, in particular in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Not only is the right to life non-derogable, it is also essential for the enjoyment of all human rights. Therefore, the protection of the right to life of persons with albinism living in countries where attacks and killings are taking place represents a priority issue to be addressed by the States concerned.

[19] See CEDAW/C/TZA/CO/7-8.
[20] See CEDAW/C/BDI/CO/5-6, CEDAW/C/TZA/CO/7-8 and CEDAW/C/SWZ/CO/1-2.
[21] See A/HRC/24/57.
[22] See CRC/C/CAF/CO/2.
[23] See CRC/C/MWI/CO/3-5.

31. Furthermore, in all regions, the right to life of persons with albinism is also threatened by the lack of awareness and adequate measures regarding their vulnerability to skin cancer, resulting in a shortened life expectancy. Reduced life expectancy may also be due to other factors such as the lack of reasonable accommodation regarding visual impairment, which limits employability and forces outdoor work that, in turn, catalyses skin cancer and early death. Other factors leading to reduced life-expectancy include induced isolation owing to stigmatization and discrimination and the related vulnerability to attack, barriers in access to health services and reduced opportunities for adequate living conditions.

32. In addition, a range of human rights are protected under the norms of and jurisprudence relating to International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of Persons with Disabilities, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, including the rights to equality and non-discrimination, the highest attainable standard of mental and physical health, education, work and reasonable accommodation. All must be upheld in order to address and mitigate the factors contributing to shortened life expectancy for persons with albinism.

Prohibition of torture and inhuman and degrading treatment

33. The intensity of the attacks against persons with albinism undeniably causes severe pain and suffering to victims, considering that, in many cases, limbs are severed while the victim is still alive in order to increase the wrongly attributed potency of the body parts in witchcraft practices such as muti or juju.[24] Furthermore, this pain is intentionally inflicted on persons with albinism on the basis of erroneous myths and discrimination surrounding their condition.

34. To amount to torture, however, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment requires, in article 1, that, in addition to intensity of pain and intention, the act of torture should be committed "at the instigation, or with the consent or acquiescence, of a public official or other person acting in an official capacity".

35. When an official is involved at any stage, including as an end user of the body parts, or when, and this is the most common situation in attacks against persons with albinism, the act is tolerated by the Government, this criterion of the definition of torture is met. This acquiescence can take the form of an omission to act or take adequate steps in response to such acts, including the lack of investigation, even when no complaints have been filed by the family of the victim. In the same vein, official acquiescence also extends to the failure to prosecute, or the pronouncing of a sentence that is clearly not commensurate with the gravity of the crime. State responsibility also arises where national authorities are "unable or unwilling" to provide effective protection from ill-treatment. In other words, they fail to prevent or remedy such acts of torture and ill-treatment, including those perpetrated by non-State actors.[25]

36. The Committee against Torture has examined the particular situation of persons with albinism and emphasized that persecution and physical assaults leading to the death and mutilation of persons with albinism would fall under the

[24] See A/HRC/24/57 and A/HRC/34/59.

[25] See quote of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment, in Office of the United Nations High Commissioner for Human Rights, *Combating Torture: Human Rights Fact Sheet*, No. 4/Rev.1 (Geneva, 2002), p. 34.

scope of the Convention.[26] Among the elements considered by the Committee is the impunity of perpetrators of such crimes. The Committee on the Rights of the Child has also stressed that "violence perpetrated against children with albinism ... amount[s] to torture, cruel, inhuman or degrading treatment, kidnapping and even death".[27]

Combating impunity

37. Failure to combat the impunity of perpetrators of attacks against persons with albinism is a major issue that has been raised by various committees.[28] They have all pointed to the obligation of States to investigate and prosecute all cases of attacks and to ensure the adequacy of the national legislative framework and criminal sanctions. The Independent Expert has also stressed this issue, and explained that particular vigilance by the State is necessary in these cases, as a result of unique factors surrounding violence faced by persons with albinism, including the participation of family members, and the correlating issue of underreporting of cases.[29] As stated by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, combating impunity has different implications for a State, including carrying out an investigation even in the absence of formal complaints and the obligation to hold perpetrators accountable.[30]

38. The Independent Expert noted during her mission to Malawi[31] that one of the main manifestations of impunity in the context of attacks resided in the early return of suspects to their communities, whether as a result of raising bail, paying fines, light sentences or other measures facilitating early release. Perceived impunity for crimes against persons with albinism not only significantly reduces the deterrent effect of the law, but also can, in certain cases, contribute indirectly to lynching and "mob justice".

39. To combat impunity, States have an obligation to ensure that all acts of torture are offences under its criminal law and that those offences are punishable by appropriate penalties. In this regard, national criminal frameworks very often do not contemplate the forms of attack against persons with albinism. This can lead to legal gaps, or to the use of inadequate legal provisions, such as those for dealing with trafficking in body parts that are not organs.

Prohibition of harmful practices

40. Harmful practices are defined in joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices as "persistent practices and forms of behaviour that are grounded in discrimination on the basis of, among other things, sex, gender and age, in addition to multiple and/or intersecting forms of discrimination that often involve violence and cause physical and/or psychological harm or suffering".

41. According to the Committee on the Elimination of Discrimination against Women, "the practice of prescribing sex with girls or women with albinism as a cure for HIV, ritual killings and attacks on persons with albinism, including women and girls, the use of their body parts for purposes of witchcraft, and the stigma and

[26] See CAT/C/BDI/CO/2.
[27] See CRC/C/CAF/CO/2.
[28] See, for example, CRC/C/COD/CO/3-5, CRC/C/MWI/CO/3-5, CRPD/C/ETH/CO/1 and CEDAW/C/TZA/CO/7-8.
[29] See A/HRC/34/59.
[30] See A/54/426.
[31] See A/HRC/34/59/Add.1.

social exclusion suffered by mothers of children with albinism"[32] constitute harmful practices.

42. Such practices indeed fall under the non-cumulative criteria established by both committees in their joint general recommendation/general comment and "constitute a denial of the dignity and/or integrity of the individual and a violation of ... human rights".[33] Furthermore, given the myths that tend to dehumanize and facilitate attacks against persons with albinism;[34] these practices also "result in ... physical [and] psychological, ... harm and/or violence".[35]

43. These attacks are "traditional, re-emerging or emerging practices that are prescribed and/or kept in place by social norms".[36] While the origin in time of such attacks is unclear, the presence of age-old myths suggesting systemic "disappearances" of persons with albinism and more recent waves of attacks reported in various countries, both by civil society and Governments, suggest emerging, or possibly, re-emerging practices. Lastly, such practices are "imposed ...) by family members, community members or society at large".[37]

Prohibition of trafficking in persons and trafficking in body parts

44. The existence of a black market for body parts for the purpose of muti or juju at the national, regional and international levels has often been alluded to by civil society and Governments of affected countries and illustrated by elements such as the detention of people in possession of body parts of persons with albinism.

45. In their concluding observations, both the Human Rights Committee and the Committee on the Rights of the Child addressed trafficking in body parts.[38]

46. Although further investigative studies and research are needed to map patterns of trafficking in body parts, including on the alleged markets or points of sale and the international networks that may be involved, available information has been sufficient to reveal that a gap exists in the existing legal framework on the issue.

47. The main international instrument regarding trafficking in persons is the Protocol to Prevent, Suppress and Punish Trafficking in Persons. It requires three elements for an act to constitute trafficking: (a) an act — the recruitment, transportation, transfer, harbouring or receipt of persons; (b) a means — the use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of the victim; and (c) a purpose — including exploiting the prostitution of others, sexual exploitation, forced labour, slavery or similar practices and the removal of organs. No cross-border element is required.

48. Yet, the Protocol addresses trafficking in persons as such and not trafficking in body parts, even if one of the purposes of trafficking in persons could be, at a later stage, the removal of organs. Therefore, kidnapping for the purpose of removing body parts could be considered to fall within the definition of trafficking in persons, but being in possession of body parts would not.[39]

[32] See CEDAW/C/TZA/CO/7-8, para. 18; CEDAW/C/MWI/CO/7, para. 20.
[33] Joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18.
[34] See A/71/255, para. 13.
[35] Joint general recommendation No. 31/general comment No. 18 (2014), para. 16 (b).
[36] Ibid., para. 16 (c).
[37] Ibid., para. 16 (d).
[38] See CCPR/C/MOZ/CO/1 and CRC/C/TZA/CO/3-5, respectively.
[39] See A/68/256.

49. The Council of Europe Convention against Trafficking in Human Organs may also fall short. In article 2, a human organ is defined as "a differentiated part of the human body, formed by different tissues, that maintains its structure, vascularisation and capacity to develop physiological functions with a significant level of autonomy". Both the scope and the definition of a human organ are very precise and have not been drafted as open-ended lists. Accordingly, body parts such as limbs, arms and legs, ears, fingers, hair and bones, often stolen in the context of attacks against persons with albinism, do not fall under this definition.

50. Other instruments do not directly exclude body parts, but are yet to be interpreted to include body parts that are not organs. For example, the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography states that the "transfer of organs of the child for profit" should be a criminal offence. "Organ" is not defined in the Protocol nor in the reporting guidelines of the Committee.

C. Economic, social and cultural rights

Right to health

51. The right of persons with albinism to the highest standard of physical and mental health is firmly recognized in international human rights law. The International Covenant on Economic, Social and Cultural Rights provides the most comprehensive normative framework on this right in article 12. It includes an adequate system of health protection, the right to prevention and treatment of illnesses, the right of access to essential medicines and the provision of health-related education and information, as well as participation of those concerned in health-related decisions.[40]

52. Accordingly, all States Parties to the Covenant are to take all appropriate measures to ensure access for persons with albinism to health services that are gender-sensitive, including health-related rehabilitation. In particular, States Parties are to provide health care equal to that provided to other persons, tailored health services for the condition of albinism and health services as close as possible to people's own communities. They are to require health professionals to provide care of the same quality to persons with albinism as to others, prohibit discrimination against persons with albinism in the provision of health insurance and prevent discriminatory denial of health care based on disability or colour. In this regard, the Convention on the Rights of Persons with Disabilities in article 25 echoes and recognizes the right to the enjoyment of the highest attainable standard of health without discrimination on the ground of disability. Article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination would also apply.

53. States have a duty to provide reasonable accommodation for the visual impairment of persons with albinism in order to ensure de facto equality with others in society. States, in particular their health sector, also have a duty to ensure that health-care information and specific prevention and curative measures against skin cancer such as sunscreen and sun protective clothing are affordable, accessible and available, even in rural areas, from birth and throughout life. Specialized information on specific care to prevent skin cancer and on usage of sunscreen should also be widely disseminated.

[40] Committee on Economic, Social and Cultural Rights, general comment No. 14 (2000) on the right to the highest attainable standard of health.

54. The treatment, both preventive and curative, of skin cancer is a matter of life and death for persons with albinism. This risk is linked not only to the fatal issue of cancer, but also to the fact that pre-cancerous and cancerous lesions are often so disfiguring that they contribute to dehumanizing myths, which in turn facilitate and justify attacks.

55. Persons with albinism are sometimes turned away by health professionals who fear contagion or bad luck or simply find them visibly repugnant or undeserving of treatment. It is highly important to address discrimination against persons with albinism in access to health. Interventions in this regard should also take into account the reality of persons with albinism living with HIV/AIDS, — a relatively high number in some countries, worsened by myths that albinism can cure the condition — who are unable or unwilling to gain access to the necessary treatment owing to the minimal confidentiality resulting from their hypervisibility and the consequent fear of further stigma, because of the discrimination still commonly associated with HIV/AIDS.

Right to education

56. The right to education is a fundamental human right and has a solid basis in international human rights law. It is an "empowerment right" and an indispensable means of realizing other rights.

57. Multiple and intersecting forms of discrimination against persons with albinism have an impact on the realization of their right to education. Discrimination, social stigma, superstitions and myths surrounding their physical condition, coming from both staff and students alike, violence, poverty, the absence of appropriate infrastructure, a lack of security in the wake of attacks and the absence of reasonable accommodation, learning material and methods, as well as a lack of sufficiently trained personnel, all constitute key factors explaining the low school attendance, and high dropout rates of persons with albinism. A lack of education or substandard education is a matter of life and death for persons with albinism, as it confines them to poverty and outdoor jobs that in turn expose them to skin cancer and poverty, both of which lead to early death and vulnerability to attack.

58. Persons with albinism worldwide are highly vulnerable to school-related violence (bullying) and physical and verbal abuse[41] owing to their distinctive colouring and appearance. This violence and abuse are often closely linked to the predominance of misconceptions, prejudices and superstitions about albinism, even in countries where witchcraft practices, such as muti or juju, are virtually non-existent.

Right to adequate housing

59. The right to housing is firmly anchored in international human rights law,[42] which recognizes "the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the

[41] In 2014, the organization Under the Same Sun gathered 182 different insulting names for a person with albinism, from dozens of languages. See http://www.underthesamesun.com/sites/default/files/Names%20used%20for%20PWA.pdf.

[42] The right to adequate housing is notably recognized by the International Covenant on Economic, Social and Cultural Rights (art. 11), the Convention on the Rights of Persons with Disabilities (art. 28), and the International Convention on the Elimination of All Forms of Racial Discrimination (art. 5 (e) (iii)), the Convention on the Rights of the Child (arts. 16 (1) and 27 (3)) and the Convention on the Elimination of All Forms of Discrimination against Women (arts. 14 (2) and 15 (2)).

continuous improvement of living conditions".[43] Furthermore, it entails freedoms, such as protection against forced eviction, freedom from arbitrary interference with one's home, privacy and family, freedom of movement and entitlements, including security of tenure, land and property restitution, equal and non-discriminatory access to adequate housing and participation in housing-related decision-making at the national and community levels.

60. Regarding access to housing, the Special Rapporteur on the rights of persons with disabilities reported, after her country visit to Zambia, that stigma and discrimination also had a negative impact on the right to adequate housing of persons with albinism, as landlords often feared renting their accommodation to persons with albinism on the basis that "they would run away overnight to escape attack, leaving their bills unpaid".[44] Similar reports have also since reached the Independent Expert, whereby tenancy to persons with albinism was denied by landlords who feared being implicated in attacks, while other landlords feared bad luck striking their enterprise by having persons with albinism as tenants.

Right to work

61. The right to work is firmly recognized in international human rights law in several human rights treaties, in particular in articles 6 and 7 of the International Covenant on Economic, Social and Cultural Rights. The right to work requires decent work, namely:

> "Work that respects the fundamental rights of the human person as well as the rights of workers in terms of conditions of work safety and remuneration. It also provides an income allowing workers to support themselves and their families as highlighted in article 7 of the Covenant. These fundamental rights also include respect for the physical and mental integrity of the worker in the exercise of his/her employment."[45]

62. Just as other persons with disabilities, and persons discriminated against on the basis of their colour, persons with albinism face a significant challenge securing high-quality employment. The colouring of persons with albinism in particular is used as basis to deny employment on the ground that it would drive clients away or create a perception of contagion, in particular in the food or hospitality industry.

63. Furthermore, securing indoor employment remains a major challenge for a significant number of persons with albinism. Resorting to agriculture and peddling, while often viable forms of self-employment, puts persons with albinism at risk of skin cancer. In countries with records of attacks against persons with albinism, the absence of work in a secure environment produces endemic fear and has an impact on their livelihood, given that insecurity often shortens the number of work hours that they are able or willing to risk carrying out away from home. A similar impact on the right to work of family members and carers of persons with albinism has also been reported to the Independent Expert.

[43] International Covenant on Economic, Social and Cultural Rights, art. 11.

[44] See A/HRC/34/58/Add.2, para. 28.

[45] Committee on Economic, Social and Cultural Rights, general comment No. 18 (2005) on the right to work, para. 7.

D. International refugee law

Right to asylum

64. As a consequence of a high level of stigmatization and discrimination, persons with albinism have fled their countries and requested asylum in countries thought to be safer. In this regard, one of the most complex elements to establish in order to be granted refugee status is the need to link a well-founded fear of being persecuted to an enumerated ground for such status, namely, race, religion, nationality, political opinion or membership of a particular social group.[46]

65. The Office of the United Nations High Commissioner for Refugees (UNHCR), in a study[47] seeking to clarify the meaning of "particular social group", has examined jurisprudence from around the world and noted that various jurisdictions have addressed the question of whether albinism could fall under this category. This is the case for the Immigration and Protection Tribunal of New Zealand, which held that "albinism is an immutable characteristic which is beyond the power of the appellant to change, and is an internal defining characteristic which serves to define the group independently of the persecution".[48] The same decision also stressed that "albinos are properly considered a particular social group in Egypt".[49] A French jurisdiction also considered that persons with albinism were part of a specific social group, but this time on the basis of how they were perceived, the myths and stigma and the ostracism that they faced.[50] However, the study concluded that the criteria of membership of a particular group still lacked clarity.

66. Despite this debate, asylum has been granted to persons with albinism. France,[51] for example, has granted asylum to a woman from Nigeria with albinism who had been blamed, because of her albinism, for the death of men in her clan and fled to France. The reasoning behind the decision stressed that traditions and customs relating to albinism, particularly vivid in that country, combined with the lack of protective measures for that high-risk group, created a real risk of persecution if she were to return to Nigeria. Civil society organizations also reported that various countries had been granting asylum to persons with albinism based on the persecution that they face.[52]

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[46] Convention relating to the Status of Refugees, art. 1.

[47] Michelle Foster, "The 'ground with the least clarity': a comparative study of jurisprudential developments relating to 'membership of a particular social group'", Legal and Protection Policy Research Series (Geneva, Office of the United Nations High Commissioner for Refugees (UNHCR), 2012).

[48] *AC (Egypt)*, [2011] NZIPT 800015, New Zealand: Immigration and Protection Tribunal, decision of 25 November 2011.

[49] Ibid.

[50] Commission des recours des réfugiés (French Refugees Appeal Board), decision of 10 June 2005, M.T. n° 04041269/514926 R; Cour nationale du droit d'asile (French National Court of Asylum), n°629447, 28 April 2009.

[51] Commission des Recours des Réfugiés (French Refugees Appeal Board), decision of 29 August 2006, Melle. AO, n°545655.

[52] This was the case in the United Kingdom of Great Britain and Northern Ireland for a man with albinism from Cameroon in 2015, in Ireland for a man with albinism from the Democratic Republic of the Congo in 2015, in Canada for a man with albinism from Guinea in 2013, in Belgium for a woman and her son with albinism from Guinea in 2015, in Tunisia for a woman with albinism and her two children from Côte d'Ivoire, in France for a lady from Mali in 2011, in the United States of America for a man with albinism from Nigeria, a man with albinism from Senegal, and a woman with albinism from Zimbabwe. See www.underthesamesun.com/sites/default/files/Attacks%20of%20PWA%20-%20extended%20version.pdf.

Rights of internally displaced persons

67. The displacement of a significant number of persons with albinism has been reported, for example, in Burundi and the United Republic of Tanzania,[53] as a result of generalized violence or specific persecution based on albinism. In situations of forced displacement, persons with albinism face particular protection risks, not due only to their visual impairment and specific health risks, but also to myths and beliefs linked to albinism, which may be alive in camps for internally displaced persons or refugees owing to pre-existing perceptions of the condition or brought by other refugees and displaced persons. The situation of distress of people displaced and the destruction of trusted social networks of persons with albinism are among the many factors that can further aggravate the insecurity of internally displaced persons with albinism.

68. In response, and in addition to the implementation of the existing framework, including the Guiding Principles on Internal Displacement, UNHCR has adopted specific protection measures for persons with albinism. An example of the UNHCR practice is the transfer of a girl and her mother from a refugee camp in the United Republic of Tanzania following two kidnapping attempts on the girl.[54] Another example is a partnership between UNHCR and the non-governmental organization Albinos sans frontières which provides support to persons with albinism fleeing persecution in the Democratic Republic of the Congo.[55]

69. Displacement as a specific protection measure for persons with albinism has also been considered. In response to the significant number of attacks in regions of the United Republic of Tanzania, the Government has established temporary holding centres as "safe houses" for children with albinism. This temporary solution has become a long-term situation, however, and the African Committee of Experts on the Rights and Welfare of the Child noted in its investigative report on the situation of children with albinism that the temporary shelter visited in the country "resembles more of a preventative detention facility than a safe house".

IV. International human rights obligations

A. Core obligations

70. Under international human rights law, every person is entitled to freedom from fear and freedom from want and to equality and non-discrimination, a core principle. The right to life and to be protected from torture may not be derogated from under any circumstance.[56]

71. Considering the principle of the interdependence and indivisibility of human rights, the right to life serves as an enabling and protection right necessary for the enjoyment of all other human rights. Conversely, the right to life also depends on the enjoyment of other human rights. In this regard, States have a core obligation to

[53] International Federation of Red Cross and Red Crescent Societies, "Through the albino eyes: the plight of albino people in Africa's Great Lakes region and a Red Cross response" (Geneva, 2009). Available from www.ifrc.org/Global/Publications/general/177800-Albinos-Report-EN.pdf.

[54] Nathalie Bussien and others, *Breaking the Spell: Responding to Witchcraft Accusations against Children*, New Issues in Refugee Research, Research Paper No. 197 (Geneva, UNHCR, 2011).

[55] Bertrand Ntwari, "UNHCR helps young Congolese albino on the run from witchcraft", Leo R. Dobbs, ed., 14 October 2013. Available from www.unhcr.org/news/stories/2013/10/525be9c89/unhcr-helps-young-congolese-albino-run-witchcraft.html.

[56] International Covenant on Civil and Political Rights, art. 4 (3).

ensure the satisfaction of, at the very least, minimum essential levels of economic and social rights.[57]

72. States parties to international human rights treaties are legally bound to international obligations to respect, protect and fulfil all human rights, to which they must give effect in good faith. All branches of the State, including local authorities, must comply with these obligations. This is particularly important regarding the situation of persons with albinism often living in remote areas.

73. States also have to seek better understanding of the root causes of attacks and the specificities of such attacks, including trafficking in body parts, as these would facilitate the work of law enforcement agencies in protecting life and in preventing torture. In the same vein, the State also has a duty to take positive measures to prevent reoccurrences of violations of these rights.

74. The duty of the State to protect the right to life and prevent torture also requires the systematic recording of attacks. Furthermore, States are to disseminate information widely to promote awareness within the law enforcement community and to ensure that adequate measures are developed where necessary. Moreover, States are to undertake and support research, systematic collection of data, and thorough analysis of risk factors. Preventing crimes relating to attacks against persons with albinism encompasses the adoption of strategies and measures.

75. States also have to ensure the minimum essential levels of economic and social rights for persons with albinism. They must guarantee the right to equality and non-discrimination, including reasonable accommodation, to persons with albinism as a core obligation considering its centrality in international human rights law.

B. Obligations to ensure equality and non-discrimination

76. International human rights law recognizes the obligation to adopt specific measures necessary to accelerate or achieve de facto equality, including affirmative action measures.[58] These measures are aimed at securing the advancement of certain groups or individuals requiring specific protection for the full enjoyment of human rights. Essentially, the measures are to attenuate or suppress conditions that perpetuate discrimination. While such measures are often considered to be limited in time until substantive equality is achieved, it is also recognized that there are exceptions. For example, the Committee on Economic, Social and Cultural Rights states that "such positive measures may exceptionally, however, need to be of a permanent nature, such as interpretation services for linguistic minorities and reasonable accommodation of persons with sensory impairments in accessing health-care facilities".[59]

77. Therefore, the framework of international human rights obligations that applies to persons with albinism includes the obligation to adopt special measures aimed at redressing and accelerating de facto equality and the adoption of permanent special measures, such as reasonable accommodation for visual impairment and vulnerability to skin cancer. According to article 5 (3) of the Convention on the Rights of Persons with Disabilities, States parties must take all appropriate steps to

[57] Committee on Economic, Social and Cultural Rights, general comment No. 3 (1990) on the nature of States parties' obligations.

[58] Convention on the Elimination of All Forms of Discrimination against Women, art. 4 and International Convention on the Elimination of All Forms of Racial Discrimination, arts. 1 (4) and 2 (2), Convention on the Rights of Persons with Disabilities, art. 5 (4).

[59] Committee on Economic, Social and Cultural Rights, general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights, para. 9.

ensure that reasonable accommodation is provided. Furthermore, the Convention places an obligation on the State to ensure that discriminatory barriers are removed, by both eliminating and preventing discriminatory action.

78. States also have the obligation to promote a positive perception, including by combating stereotyping, stigmatization and discrimination. Albinism is indeed profoundly misunderstood and long-term ignorance about the condition has given birth to myths, which are often extremely concerning. A number of such myths have the effect of stripping persons with albinism of their humanity, paving the way for exclusion and attacks. The misunderstanding of the condition has also led to name-calling, verbal abuse and discrimination, as well as constant social discrimination for school-aged children with albinism throughout the world.

C. Progressive realization and immediate obligations

79. The obligation to progressively achieve the full realization of economic, social and cultural rights is closely related to the obligation of States to take appropriate measures towards their full realization, taking into account the maximum of their available resources. This recognizes the cost of fully implementing these measures and an implicit consequence that they might be achieved only over a period of time.

80. There is an immediate obligation to take appropriate steps for the realization of those rights. A lack of resources cannot justify inaction, but should be taken into account when evaluating the efforts carried out by a State to implement these rights. Furthermore, certain economic, social and cultural rights are not subject to progressive realization, based on their nature, such as the right to participate in cultural life or to form trade unions, while others have strict time-bound limits, such as the obligation to develop a plan of action to ensure the provision of free and compulsory primary education for all within two years. There are similar obligations to meet the minimum essential levels for each right. States are also not allowed to reduce the standards of implementation of rights already reached unless doing so can be adequately justified.

81. The obligation not to discriminate while undertaking to guarantee a right, which is fundamental to prevent the human rights violations faced by persons with albinism, is an immediate obligation. Similarly, the obligation to provide reasonable accommodation applies immediately to all rights.

D. Obligations to respect, protect and fulfil all human rights

82. The obligation to respect requires States to refrain from taking any discriminatory action or any measure infringing the exercise of human rights. This includes measures that limit or deny access to goods and services, including reasonable accommodation, for persons with albinism, and ultimately limit the enjoyment of economic and social rights, such the right to food, housing or health.

83. The obligation to protect is of utmost importance in the case of attacks. Here, States tend to fail to protect persons with albinism against acts committed by private persons or entities. States must also protect persons with albinism from discrimination by private entities or persons. In this context, the duty of due diligence must be reaffirmed, requiring States to take the appropriate measures to prevent, punish, investigate or redress the harm caused by such acts by private

persons or entities.[60] Considering its potential effect of deterrence, due diligence is thus a measure of protection.

84. In the context of rising cases of attacks, States have the obligation to provide effective remedy. Given the persistent impunity on the matter, States must adopt "provisional or interim measures to avoid continuing violations and to endeavour to repair at the earliest possible opportunity, any harm that may have been caused by such violations".[61]

85. The obligation to fulfil human rights requires States to take all the steps necessary to create a necessary and conducive environment for the enjoyment of human rights. In the case of civil and political rights, States should take the steps necessary to ensure the legal framework, functioning institutions and adequate resources for their enjoyment. With regard to economic, social and cultural rights, States must fulfil these rights in a situation where a person or a group is unable, for reasons beyond their control, to enjoy these rights.

86. In the context of economic, social and cultural rights, States have the core obligation to ensure access to the right to health, education, housing and employment on a non-discriminatory basis, especially for vulnerable or marginalized groups such as persons with albinism.[62] In the case of the right to health, States are to refrain from prohibiting or impeding traditional preventive care, healing practices and medicines (obligation to respect), while ensuring that harmful practices do not interfere with the right to life and physical integrity and health (obligation to protect). Equally important, States have the obligation to disseminate appropriate information relating to, inter alia, albinism and harmful practices, and ensure that sun protection creams and gear are listed as essential medicines (obligation to fulfil).[63]

87. In the context of education, States have the core obligation to ensure the satisfaction of, at a minimum, "the most basic forms of education".[64] Also, States are to avoid measures that hinder or prevent the enjoyment of the right to education (obligation to respect) and take measures that prevent third parties from interfering with such enjoyment, such as discrimination and stigma on the part of community or family members, teachers and perpetrators of attacks against children with albinism (obligation to protect). States must take positive measures that enable and assist persons to enjoy the right to education, in particular through measures implementing reasonable accommodation (obligation to fulfil).

88. Regarding the right to work, States have the core obligation to ensure non-discrimination and equal protection of employment, especially for disadvantaged and marginalized individuals and groups, permitting them to live a life of dignity.[65] Furthermore, States must refrain from denying or limiting equal access to decent work for all persons, especially historically and currently disadvantaged and marginalized individuals and groups (obligation to respect); States are to adopt legislation or other measures ensuring that persons with albinism have equal access to work and adequate vocational training in safe and healthy working conditions[66]

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[60] Human Rights Committee, general comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant.

[61] Ibid., para. 19.

[62] Committee on Economic, Social and Cultural Rights, general comment No. 14 (2000) on the right to the highest attainable standard of health.

[63] Ibid.

[64] Committee on Economic, Social and Cultural Rights, general comment No. 3. (1990) on the nature of States parties' obligations.

[65] Committee on Economic, Social and Cultural Rights, general comment No. 18. (2005) on the right to work, para. 31.

[66] Convention on the Rights of Persons with Disabilities, art. 27.

(obligation to protect). States are obliged to provide for the right to work when individuals or groups are unable, for reasons beyond their control, to realize that right themselves using the means at their disposal (obligation to fulfil).

89. With regard to the right of persons with albinism to housing, States are to refrain from discriminatory action regarding access to housing or forced relocations (obligation to respect), while ensuring protection from any third parties or private entities interfering with access to housing (obligation to protect). Ultimately, States are to facilitate access to adequate housing and provide the same whenever persons with albinism are unable to gain access to adequate housing through their own efforts (obligation to fulfil).

90. Lastly, the right to participation and consultation with persons and groups on matters concerning them is widely recognized in international human rights law. For example, in the context of the Convention on the Rights of Persons with Disabilities, States have the duty to consult and involve persons with disabilities, including persons with albinism, regarding all policies, measures and laws concerning them.[67]

E. Action plans

91. States have clear obligations under international law to address human rights violations against persons with albinism. To ensure an efficient and effective approach, however, an immediate, coordinated and sustained approach is necessary, given the seriousness of the attacks that they face. Such an approach often takes the form of an action plan, centred on a human rights-based approach.

92. To meet both immediate and long-term goals, a dual or twin-track approach is necessary. On the one hand, in the immediate term, the human rights violations stemming from attacks and the provision of protection and support to victims must be addressed. On the other hand, effective but sophisticated strategies for the immediate-to-long term are needed to address the underlying causes of the attacks, including myths and witchcraft practices, and to mainstream the issue through a multisectoral approach consisting of the coordinated involvement of all relevant government sectors, including, but not limited to, sectors dealing with disability, health, education, social welfare and justice.

93. A multisectoral approach is necessary to expedite the integration of the diversity of issues into existing government sectors while harnessing the varied expertise of stakeholders in the development of specific programmes aimed at persons with albinism. However, action plans on albinism can be fully efficient and developed only with the meaningful participation of persons with albinism. Such participation is central not only to the elaboration of the plan, but also to its implementation and the monitoring of activities.

National action plans on albinism

94. Malawi and Mozambique, two countries that have been particularly affected by attacks against persons with albinism, adopted national action plans to address such attacks in 2015.

95. The plans include a range of measures, including education and public awareness programmes; the strengthening of community police structures; an increase in adequate police forces in the districts most affected by attacks; research to understand the root causes of attacks and trafficking in body parts with a view to

[67] Ibid., art. 4 (3).

supporting evidence-based policymaking; preventive measures and rapid prosecution of attacks; protection and social assistance for persons with albinism; psychosocial support for victims; and the review, amendment and enactment of legislation, where necessary, to ensure the protection of persons with albinism, in particular by addressing trafficking in body parts and improving proportionate sentencing through revised sentence guidelines.[68]

Regional action plan

96. In addition to the national plans of action, there is a regional approach to the attacks on and cross-border trafficking in body parts of persons with albinism. A regional action plan on albinism in Africa, to address attacks and related violations against persons with albinism in sub-Saharan Africa, covering the period 2017-2021, was recently endorsed by the African Commission on Human and Peoples' Rights in its resolution 373 (LX) 2017. Through this resolution, the Commission urged States parties to take all measures necessary to adopt and implement the regional action plan and to, inter alia, ensure protection for persons with albinism and their families.

97. The regional action plan[69] was developed between January 2016 and April 2017 by the Independent Expert and more than 200 stakeholders from the region representing organizations of persons with albinism, civil society, Governments, national human rights institutions, regional and international governmental organizations and the academic sector. Four formal consultative events were convened, including a forum in Dar es Salaam, United Republic of Tanzania, a high-level meeting in Pretoria, a consultative working group meeting in Nairobi and a panel discussion during the sixtieth session of the African Commission on Human and Peoples' Rights.

98. The regional action plan consists of recommendations made by United Nations and African Union human rights bodies and mechanisms, that have been distilled into, on the one hand, specific emergency measures in immediate response to attacks, while, on the other, triggering long-term initiatives to address the underlying causes of attacks. The measures are divided into four clusters: prevention (including public education campaigns, data collection, research on the root causes); protection (law enforcement, legislative framework, health-care workers, social welfare, monitoring and reporting of cases); accountability (combating impunity, victim support, reintegration of the displaced); and equality and non-discrimination (focal point on albinism, reasonable accommodation, access to health care, intersectionality).

99. The measures can also be implemented by integrating them into several existing, broader national frameworks, including action plans on human rights, policies on the rights of persons with disabilities and frameworks to combat racial discrimination, on access to health, on the rights of women and children and on access to justice services and victim support services. It is important to ensure, however, that the measures integrated in broader frameworks explicitly address the specificities of the challenges faced by persons with albinism. It is very important that the issue does not become "lost" among others, as the ignorance of the specificities of the rights and needs of persons with albinism has permitted the development of myths that in turn have contributed to the attacks. Indeed, the 2030 Agenda for Sustainable Development alludes to beginning all efforts with those who have been left furthest behind.

[68] See A/HRC/34/59.

[69] Full text available from www.ohchr.org/EN/Issues/Albinism/Pages/AlbinismInAfrica.aspx.

V. Conclusions and recommendations

100. **The protection and promotion of all human rights of persons with albinism are deeply rooted in international human rights law in the form of core treaties that give rise to State obligations to respect, protect and fulfil all human rights, as well as positive duties to facilitate the enjoyment of these rights. These roots are further reinforced by interpretative jurisprudence and continuous guidance issued by international human rights bodies, notably by treaty bodies and regional mechanisms as they continue to address and advocate the enjoyment of human rights by persons with albinism.**

101. **What remains is an immediate and long-term need to close the implementation gap that subsists and through which egregious human rights violations against persons with albinism have sprouted and thrive, including acts committed against their rights to life and security of person and the failure to provide adequate health care in the face of correlating high fatalities. It is the intent of the Independent Expert, having carried out this exercise of presenting the legal standards applicable to persons with albinism, to spend the coming years working with States and other partners on the implementation of the regional plan in context of the global vision designed at the outset of her mandate. All action in this regard will be carried out with a human rights approach and in cognizance of the intersecting character of applicable rights and the correlating need to induct multisectoral stakeholders in the process to guarantee both broad issue integration and specific programming to bring the furthest behind into the fold.**

102. **Accordingly, and to facilitate a partnership for the implementation of action plans and recommendations made by treaty bodies, the Independent Expert recommends that Governments:**

(a) **Adopt and implement the regional action plan as endorsed by the African Commission on Human and Peoples' Rights to ensure the effective protection and promotion of the rights of persons with albinism and members of their families;**

(b) **Address as a priority the impunity that prevails with regard to the issue, including through amendments to their legal frameworks, prompt and thorough investigations, prosecution and sentencing;**

(c) **Adopt a regional approach against impunity, taking into account the trans-border nature of elements of attacks against persons with albinism;**

(d) **Ensure reasonable accommodation measures and the full enjoyment by persons with albinism of their rights to the highest standards of physical and mental health, education, adequate housing and decent work;**

(e) **Combat the stigmatization of and discrimination against persons with albinism through a wide range of methods, including the promotion of positive information and role models and continued awareness-raising campaigns;**

(f) **Ensure the full and meaningful participation of persons with albinism in the elaboration and implementation of all measures concerning them, in particular national plans and legislation.**

103. **The Independent Expert recommends that civil society and national human rights institutions:**

(a) Continue monitoring the implementation of the rights of persons with albinism and report regularly to international mechanisms such as treaty bodies or the Universal Periodic Review;

(b) Take an active role in the implementation and promotion of action plans on the rights of persons with albinism and the inclusion of relevant action in existing programmes and strategies.

104. **The Independent Expert recommends that the international community:**

(a) Continue to address and to prioritize questions relating to the implementation of the human rights of persons with albinism, in particular given the seriousness of the violations;

(b) Examine and clarify the international legal standards applicable to trafficking in body parts;

(c) Ensure that, in particular in regions affected by attacks, action for the enjoyment of the rights of persons with albinism in incorporated into existing projects and programmes and that specific programmes are designed and given priority.

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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Globalization and its impact on the full enjoyment of all human rights

Report of the Secretary-General

Summary

In its resolution 71/197, the General Assembly requested the Secretary-General to seek the views of Member States and relevant agencies of the United Nations system and to submit to the Assembly at its seventy-second session a substantive report on the impact of globalization on the full enjoyment of all human rights based on those views, including recommendations on ways to address the subject. The responses received from the Governments of Algeria, Argentina, Iraq, Madagascar, Morocco, the Philippines, Portugal, Senegal and Serbia are summarized in section II of the present report. Common concerns and topics of interest are set out in section III and summarized in section IV, which also contains recommendations on how to address the impact of globalization on the full enjoyment of human rights

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I. Introduction

1. In its resolution 71/197, the General Assembly took note of the report of the Secretary-General on globalization and its impact on the full enjoyment of all human rights and requested the Secretary-General to continue to seek further the views of Member States and relevant agencies of the United Nations system and to submit to the Assembly at its seventy-second session a substantive report on the subject based on those views, including recommendations on ways to address the impact of globalization on the full enjoyment of all human rights.

2. Pursuant to that resolution, the Office of the United Nations High Commissioner for Human Rights (OHCHR) sent a request on 9 February 2017 to Member States and relevant agencies of the United Nations system inviting them to share their views on the issue. As of 21 June 2017, OHCHR had received responses from the Governments of Algeria, Argentina, Iraq, Madagascar, Morocco, the Philippines, Portugal, Senegal and Serbia.[1] No views were received from agencies of the United Nations system.

II. Summary of replies

A. Algeria

3. According to Algeria, globalization, in particular its economic dimension, involves transnational corporations and other businesses seeking to make the maximum profit, to the detriment of labour conditions. They do this by relocating their operations to countries in which the cost of labour is so cheap that many workers are unable to meet their basic needs or to provide sufficient food for their families and households. In general, transnational corporations do not respect adequate labour standards, including with regard to working hours, in particular at sites located in poor countries, taking advantage of the legislation that often does not offer minimum protection to workers. The situation directly affects the human right to an adequate standard of living.

4. Algeria suggests that all stakeholders should join efforts to effectively implement human rights norms, including those enshrined in the Declaration on the Right to Development, the 2030 Agenda for Sustainable Development and the Sustainable Development Goals. The United Nations and its Member States should be fully dedicated to addressing this challenge so that the universality, indivisibility and interdependence of all human rights and fundamental freedoms will not remain a matter of wishful thinking that has no impact on the daily lives of millions. This is particularly relevant for people in developing countries and those living in extremely difficult conditions, whether as a result of natural (e.g., droughts and other natural disasters) or man-made (e.g., armed conflict, terrorism and the persecution of religious and other minorities) events. Some businesses take advantage of the migration crisis resulting from such emergencies, without any regard for the human rights of migrants.

5. The free flow of goods is often accompanied by restrictions to the flow of migrants from countries of the global South to those in the global North. Such migrants are overwhelmingly motivated by economic considerations, fleeing extreme poverty in countries that have no means of ensuring economic development. Social injustice and its consequences, including poverty and

[1] The texts of the original submissions are on file with the Secretariat and are available for consultation.

migration, offer investment opportunities to businesses motivated by low labour costs and corrupt Governments. Some transnational corporations and other businesses resort to pillaging natural resources and try to keep countries manifestly and permanently underdeveloped.

B. Argentina

6. Argentina describes the policies and programmes it has adopted to address the consequences of globalization in its economic, social, political, cultural, environmental and legal dimensions. These include policies for reducing inequality between the rich and the poor through the universalization of benefits; cooperation with multilateral bodies such as the Summit of South-American-Arab Countries, the Southern Common Market (MERCOSUR), the Organization of American States, the United Nations system and the Group of 20; and initiatives for South-South cooperation. The agreements between Argentina and its MERCOSUR partners underscore the role played by regional development programmes and economic cooperation in reducing the negative economic and social impacts of international financial instability.

7. Argentina points to the experience of its National Council for the Coordination of Social Policy as the body responsible for follow-up on implementation of the Sustainable Development Goals. The Council includes the Goals in public policy priorities established by the State, including by ministries and other national bodies, and coordinates adaptation procedures at the provincial and regional levels. The Council is also responsible for cooperation with civil society organizations, universities, businesses and other stakeholders.

8. As a response to the serious crisis faced by the Syrian Arab Republic, Argentina indicates that it has established a special humanitarian visa programme for people affected by that armed conflict. The programme provides concrete solutions to address what is considered to be one of the worst humanitarian crises, which necessitates a commitment by States to protect the Syrian population. Argentina includes Syrian refugees in its human rights protection and other policies, in particular to ensure the reunion of their families. Argentina also indicates that, at the international level, it is responding to the continued calls on the issue by international bodies, in particular the Office of the United Nations High Commissioner for Refugees. In such a way, it is expressing solidarity in the international context in a concrete and significant manner, sharing the great burden currently borne by the neighbouring countries of the Syrian Arab Republic.

C. Iraq

9. According to Iraq, the high rates of unemployment in many developing countries are largely a result of globalization. For example, the role of the Government of Iraq in economic development has weakened since international businesses have begun to outsource new technologies that reduce the need for human resources. As a result the country's employment opportunities have declined. While abiding by the appropriate dictates of globalization, Iraq recommends that Governments intervene in the economic and social sectors and at the same time increase spending in order to achieve sustainable development and promote foreign direct investment.

10. Iraq considers that the enhancement of small and medium-sized investments contributes to the development of the economy and augments employment opportunities. Programmes aimed at developing the skills of manual labourers are a

response to the adverse effects of globalization. Such programmes include training that enables workers to adapt their labour activities in response to developments in modern technology. Iraq supports increased investment in the development and production of human capital, thereby creating sustainability in the development of human resources.

11. According to Iraq, the safeguarding of human rights is important (including in efforts against global terrorism), taking into account the side effects of globalization. It underlines the importance of international efforts, which contribute to reducing the adverse effects of globalization on the economy, culture and communities in general.

D. Madagascar

12. According to Madagascar, globalization generates challenges that must be addressed in order to enable people from all countries to realize all their human rights. In this regard, Madagascar refers to its national development plan and its implementation. The plan is aimed at the implementation of government policies that promote economic growth with respect for human rights in all areas, including poverty reduction.

13. In accordance with the Paris Principles, the objective of the independent National Commission on Human Rights of Madagascar is to ensure the promotion and protection of all human rights. Madagascar is also committed to the fight against corruption in order to ensure that its population freely and fully enjoys its fundamental rights and freedoms.

14. In the field of communication, the new code of publicized communication was promulgated in 2016. It regulates the exercise of the right to information, freedom of the press, and freedom of opinion and expression. The code decriminalizes offenses committed by the press. Madagascar has adopted a law on combating cybercrime, mainly in order to establish new procedural rules related to new information and communication technologies.

15. Madagascar describes its national response to address the trafficking of persons, including the temporary suspension of sending workers to high-risk countries, the enactment of a specific anti-trafficking law, the establishment of a national anti-trafficking mechanism and the development of a national action plan on combating trafficking.

E. Morocco

16. The contribution of Morocco focuses on the relationship between globalization and labour rights, the rights of migrants and freedom of expression.

17. According to Morocco, increased international competition resulting from globalization has led to more flexible labour markets in many countries, exposing workers to difficult situations, in particular in circumstances in which they are not protected by appropriate labour rights and social security provisions. International labour conventions offer direct guidance to businesses on social policies and inclusive, responsible and sustainable labour practices. Morocco emphasizes its adherence to these principles and indicates that it has taken measures to ensure respect by all businesses for fundamental workers' rights. It recommends harmonizing existing social policies with the Sustainable Development Goals; promoting tripartite dialogue; strengthening capacity for implementing international labour norms and inclusive development, taking into account the special needs of

migrant workers; and supporting the most affected sectors against the adverse effects of social dumping.

18. Globalization leads to increased mobility. In this regard, Morocco believes that collective efforts are necessary in order to build a tolerant society that would enable migrants to unleash their potential, including by promoting coexistence and respect for religious, ethnic and cultural diversity. According to Morocco, globalization has a positive impact on the enjoyment of freedom of expression. However, an increased gap between developed and developing countries, reinforces notions of western cultural hegemony and exposes other cultures to permanent degradation. The boom in data flows has negatively affected reliability and authenticity, and the increased availability of information has given rise to more disinformation, manipulation, propaganda, indoctrination and extremism. The proliferation of incitement and hate speech increases the prospects of violence and instability. Often, the right to privacy is not respected or is adversely affected by legal gaps. The quality of the press is also affected by unfair competition from Internet giants. For these reasons, Morocco recommends that support be provided to developing countries through capacity-building activities in the fields of technology and communications and that national and international regulations on social networks and copyrights be enhanced, in order to encourage harmonized codes of ethics, and tame the power of Internet giants.

F. Philippines

19. The Philippines recognizes that the self-regulation of transnational corporations and other business enterprises can contribute to the promotion, protection and fulfilment of all human rights and fundamental freedoms, in particular economic, social and cultural rights, as stated in the resolutions of the General Assembly on globalization and its impact on the full enjoyment of all human rights. It is also necessary to give equal importance to the role of States in performing their regulatory functions. The engagement of States in intergovernmental cooperation provides a means to define standards of conduct and guarantee the accountability of transnational corporations and business enterprises.

20. The Philippines sees the assessment by the General Assembly of the impacts of globalization on societies as a contribution towards ensuring that States fully perform their regulatory functions. It suggests that the international community come up with a standard methodology or institutionalize impact assessment studies for all Member States, including environmental and regulatory impact assessments for programmes, projects, activities and regulations relating to business and trade activities. This would provide more evidence-based analyses and decision-making support on economic, business and trade relationships among various States, together with more rational estimates of the comparable financial, economic and social benefits and costs of programmes and regulations for their societies.

21. According to the Philippines, the General Assembly should encourage regional economic cooperation organizations (e.g., the Association of Southeast Asian Nations and Asia-Pacific Economic Cooperation) to align their interrelationship policies with strategies on achieving the Sustainable Development Goals as these will support the security of human lives. Although national development plans are to be harmonized with international commitments, the international community should respect the diversity and the different priorities of each Member State in providing support towards achieving its most needed development goals.

G. Portugal

22. With regard to migration and refugees, Portugal has adopted policies of integration for humanitarian reasons and as part of the strategy to address its demographic deficit. It has reached agreements with other members of the Community of Portuguese-speaking Countries based on the human right to have or change citizenship. It has undertaken efforts to recognize the qualifications of immigrants and refugees in the context of their integration; to promote similar measures for new nationals; and to empower emigrants, promoting their reintegration into the country. Portugal has made a commitment to receive 5,000 refugees over a two-year period and pays particular attention to the situation of refugees who are unaccompanied minors, women and girls. It also plans to enhance access to legal aid to all, including foreigners. Portugal also intends to expand its Committee for Religious Freedom and create a national initiative for interreligious dialogue to prevent discrimination and radicalization.

23. Under the auspices of the United Nations system, Portugal intends to promote sustainable development models to counter global competitiveness trends that are based on social erosion. It has endorsed finance for development, private sector and non-financial cooperation and has expressed concern that North-South education cooperation has decayed in the past decade.

24. For Portugal, recent global labour market trends have reinforced the disadvantages faced by women as a result of the implementation of austerity policies and fast-paced technological advances. These trends have been accompanied by deregulation, flexible work and less accountability for employers. With women traditionally holding more precarious, less flexible and less well-paid jobs, these new trends have exacerbated their marginalization. In line with the 2030 Agenda for Sustainable Development, Portugal is combating structural sex discrimination through a number of measures to address the pay gap, occupational segregation, parenthood, work-life balance, and access to decision-making positions, as part of its agenda on labour market equality.

25. Considering the asymmetries created by globalization, Portugal believes that multinational enterprises, as drivers of globalization, have a duty to incorporate responsible business practices by undertaking social, environmental and human rights-related due diligence in their risk management systems throughout their entire supply chains and investment policies.

H. Senegal

26. Senegal refers to the fact that globalization has social, political, environmental, cultural and political aspects. It considers that globalization must first promote a win-win, equitable global partnership that crosses linguistic barriers. Globalization must have a human face aimed at developing solidarity among the peoples of the world.

27. Senegal believes that globalization must also guarantee and respect racial and cultural diversity. It considers that reflection on globalization must be driven from a sociocultural point of view, not an economic one. Good governance must therefore be the first solution to be promoted in addressing the impact of globalization on human rights. This entails good resource management and active diplomacy that upholds citizens' values, ensures accountability and, above all, combats impunity. Proposed solutions must also promote inclusive, equitable and environmentally sustainable economic growth.

I. Serbia

28. Serbia is party to eight core human rights treaties and is committed to keeping the impact of globalization within sustainable boundaries both in terms of the impact on the economic standing of the population and on human rights. Serbia has carried out a social impact assessment of economic policy measures on society after implementing a programme of economic reforms, following the European Commission Guidelines on Impact Assessment.

29. Serbia has launched a series of initiatives focusing on various thematic areas, such as employment, education, social security and rural development. The aim is to formulate, implement, monitor and evaluate strategic and legal frameworks in areas relevant to social inclusion and poverty reduction by establishing cooperation structures to engage relevant stakeholders from public, private and civil society sectors at the local and regional level.

30. Freedom of expression and freedom of the media are guaranteed by the Constitution, providing safeguards in the area of culture and information. These include the prohibition of any form of monopoly in the sphere of public information, in order to maintain competition and ensure the diversification of ideas.

31. Serbia has adopted a distinct approach in the region, in its resolve to treat migrants in a humane manner and to refrain from putting up borders and fences. It pays special attention to international, regional and bilateral cooperation when resolving issues related to migrants and their human rights.

32. Global climate change and new global technologies in the agricultural sector have had a harmful impact on the production of agricultural goods intended for human consumption, the right to food, global trade and economic interconnections, which has led to the importing and marketing of various products of foreign origin. In the interest of public health, the accredited laboratories of the Institute of Public Health perform testing of pesticides in accordance with a number of appropriate scientific parameters, and strict criteria have been adopted on the maximum concentration of pesticide residue in processed food.

III. Common concerns and topics of interest

33. Issues raised in relation to human rights in the context of globalization include transnational corporations, labour rights and standards, migration, gender, corruption and good governance, sustainable development, freedom of opinion and expression, and the right to take part in cultural life.

A. Transnational corporations and other businesses

34. In their responses, Member State identified transnational corporations and other businesses as a driving force of globalization. Foreign direct investments by transnational corporations had the effect of augmenting available resources for promoting human rights. However, corporations were also responsible for adverse effects on the enjoyment of human rights. They often took advantage of, and relocated their operations to, countries that have more fragile tax systems and labour and regulatory standards, and populations that have less bargaining power, including undocumented migrants and underprivileged women. One Member State expressed concern about the fact that some transnational corporations and other businesses resorted to questionable means in order to make a substantial profit from the

exploitation of natural resources, providing little or no benefit to the local economies and communities. Some corporations received contracts through the privatization of services essential to the realization of civil, political, economic and social rights, thereby reducing State policy space to realize those rights. When company profits trump State resources for supplying basic needs, the progressive realization of human rights is compromised. In addition, Member States stated that the globalization of communications had turned a few businesses into Internet giants, storing immense amounts of users' personal information, which raised issues related to the right to privacy.

35. In its response, Portugal argued that businesses should be obliged to undertake due diligence regarding risks to social, environmental and human rights throughout their supply chains and investment policies. Morocco and the Philippines emphasized that, as a means of defining standards of conduct and guaranteeing the accountability of transnational corporations and other businesses, self-regulation by transnational corporations and other businesses should be given equal importance to the regulatory functions of the State and the engagement of States in intergovernmental cooperation. This was emphasized with regard to copyrights and social networks, owing to the power of certain so-called Internet giants. Iraq stated that investment in small and medium-sized businesses could have a positive effect on the economy and the enjoyment of human rights. Senegal noted that transnational corporations and other businesses should be guided to promote environmentally sustainable economic growth. To address the possible adverse effects of their activities, Algeria recommended that all stakeholders engage in implementing human rights norms, including those described in the Declaration on the Right to Development (General Assembly resolution A/41/128) and the Sustainable Development Goals.

B. Right to work

36. Member States emphasized that the right to work, including the right to the enjoyment of just and favourable conditions of work, was one of the human rights most affected by globalization. They were of the opinion that the competition for foreign investment in a globalized world drove States to approve more flexible labour regulations increasing working hours, decreasing salaries and reducing the level of protection afforded to workers. The decline in the enjoyment of labour rights also affected the enjoyment of the right to an adequate standard of living. Some Member States argued that the increased practice of outsourcing labour further weakened the protection of workers since it could create hurdles to holding businesses accountable for violations of labour rights. For some Member States, evolving technologies reduced the need for labour in many areas that had previously been unaffected by modernization, increasing rates of unemployment. Some groups, including women, immigrants, and indigenous and tribal peoples, were particularly vulnerable to changes in labour trends caused by globalization.

37. Iraq, Morocco, Portugal and Serbia reported good practices or presented recommendations related to training and capacity-building programmes to help affected workers, including migrants and women, to adapt to labour markets shifts caused by globalization. Furthermore, Morocco recommended that Member States harmonize labour and social policies with the conventions and recommendations of the International Labour Organization, and with the Sustainable Development Goals. It also encouraged tripartite dialogue among representatives of Governments, employers and employees and the provision of support to the sectors most affected by social dumping.

C. Migration

38. Several Member States pointed out that the international movement of people was an integral part of a globalized world. Globalization expanded the global circulation of capital, goods, services and technology, and migration responded to growing demands for skills and labour in receiving countries. These factors, together with ageing populations and declining workforces in high-income countries, increased international migration, including mobility of labour and skills. Member States therefore recognized that migration often presented itself as an opportunity to receiving countries facing demographic deficits. However, they also stressed serious concerns about the human rights of migrants. Undocumented migrants were seen as the most vulnerable. Migrants were often subjected to violations of basic labour standards. Moreover, many migrants were victims of human trafficking, including women and unaccompanied minors. Many victims of trafficking also became victims of contemporary forms of slave labour and/or sexual exploitation. Many people migrated owing to serious violations of human rights that they faced in the context of extreme poverty, armed conflict, terrorism and persecution based on ethnic, religious or similar grounds. Xenophobic expressions against migrants imposed hurdles that impeded migrants from being able to unleash their potential. In some cases, migrants had found themselves in a situation of statelessness.

39. Algeria suggested that enhanced financing for development could prevent poverty in conventional countries of origin of migrants, thereby reducing migration pressures. Argentina reported its initiative to grant humanitarian visas to individuals affected by the armed conflict in the Syrian Arab Republic and its international engagement with the Office of the United Nations High Commissioner for Refugees and other international organizations to address the plight of those forced to migrate owing to armed conflict. Serbia also described its endeavours to ensure that the over 900,000 migrants passing through its territory had their basic human rights respected, including with regard to food, shelter and health care, and the right to be informed of regulations concerning seeking asylum in the country and about the prevention of human trafficking. Portugal called for steadfast human rights-based action at all levels to address the refugee crisis. It reported several initiatives that it had introduced to facilitate the acquisition of nationality and access to services, including legal advice, for migrants. It also provided information on assistance given to its own nationals who migrated to other destinations. Morocco recommended the promotion of coexistence and respect for the religious, ethnic and cultural identity of migrants.

D. Women and girls

40. Member States reported that women and girls were disproportionately affected by the adverse effects of globalization. They believed that because women have been traditionally employed in more precarious jobs, they have been more vulnerable to labour market trends caused by globalization. Migrant flows, in particular of refugees and those fleeing harsh economic conditions, have resulted in a large number of unaccompanied children. In these situations, girls have been more vulnerable to abuse and more likely to be subjected to human trafficking.

41. As an example of good practices, Senegal described the engagement of governmental bodies dedicated to the rights of women and girls in debates on the effects of globalization on the enjoyment of human rights. Portugal described the concrete policies contained in its agenda for labour market equality that were aimed at combating structural sexual discrimination.

E. Freedom of opinion and expression, and the right to take part in cultural life

42. Some Member States emphasized the impact of globalization on the right to freedom of opinion and expression. Globalization had contributed to the exercise by individuals of their freedom of expression both within and beyond national borders. However, concerns were expressed in relation to the impact of the unregulated flow of information. It was acknowledged that hate speech had fuelled extremism, threatening the dignity and physical integrity of certain religious and cultural groups. Developing countries, in particular, had faced challenges in terms of their capacity to regulate various sorts of cybercrimes. Member States also argued that the Internet favoured the cultural hegemony of the West, undermining cultural diversity.

43. Madagascar reported that it had adopted legislation that decriminalized press offenses and aimed to combat cybercrimes. Morocco recommended that support be provided to developing countries for capacity-building to deal with social networks, including in areas such as ensuring cultural diversity. Portugal described an initiative it had introduced to promote interreligious dialogue and prevent radicalization and discrimination. Serbia detailed how its national legislation ensured freedom of thought, speech and of the media, in accordance with international standards.

F. Corruption and good governance

44. Some Member States linked globalization to governance and corruption. They contended that globalization had made it easier for illicit funds, or those resulting from corruption, to circulate across borders. Some Member States had adopted tax and secrecy policies that undermined the enjoyment of human rights abroad, by facilitating tax evasion and tax avoidance in other countries. Corruption was one of the biggest obstacles to the realization of all human rights, including civil, political, economic, social and cultural rights, and the right to development. Other factors related to globalization also affected the effectiveness of policies and agreements in promoting better standards of living. For example, the lack of human rights impact assessments of trade and investment treaties and policies aimed at implementing them prevented adverse effects from being anticipated and effectively mitigated.

45. Madagascar expressed its commitment to fighting corruption in order to ensure the enjoyment of human rights by its people. Senegal recommended the promotion of good governance as a solution to challenges imposed by globalization. The Philippines recommended the development of an international standard methodology for environmental and regulatory impact assessments activities and regulations relating to business and trade. Argentina reported how regional and South-South cooperation reduced the negative social impacts of international financial instability.

G. Sustainable Development Goals

46. In almost all of their responses, Member States linked globalization to the challenges and opportunities presented by the 2030 Agenda for Sustainable Development and the Sustainable Development Goals. They perceived the Goals as an opportunity for redirecting globalization towards the creation of a more just and equitable world.

47. Algeria called for joint efforts to effectively implement human rights in the achievement of the Sustainable Development Goals. As an example of good practices, Argentina described the activities of its National Council for the Coordination of Social Policy, which was responsible for coordinating the implementation of the Goals. Iraq and Morocco recommended lifelong learning opportunities and other social policies as measures for promoting sustainable jobs. The Philippines suggested that the General Assembly encourage regional economic cooperation organizations to align their policies in order to contribute to the achievement of the Goals. It also encouraged the development of national plans for implementing the Goals and stressed the importance of respecting cultural diversity. Portugal and Senegal encouraged the use of inclusive and environmentally sustainable development models to counter global competitiveness trends that are based on social erosion. Serbia reported good practices, including efforts to address the impact of climate change on the sustainability of food crops and the impact of new technologies on human health.

IV. Conclusions and recommendations

48. The information set out below is based on the responses received.

A. Conclusions

49. **Respondents reaffirmed that while some effects of globalization were positive, others tended to deepen inequalities and disproportionately affect the enjoyment of human rights for people in both developed and developing countries.**

50. **Activities carried out by transnational corporations and other business enterprises result in both positive and negative trends for human rights. The Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework provide a direction for enhancing standards and practices with regard to business and human rights, and thereby contribute to a socially sustainable globalization (Human Rights Council resolution 17/4, para. 4). Businesses can support sustainable development by ensuring respect for human rights across all operations and value chains. The open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights (Human Rights Council resolution 26/9) provides an opportunity to engage in constructive efforts to enhance the protection of human rights in the context of business activities and to ensure accountability and access to effective remedies in situations in which rights have been abused. General comment No. 24 (2017) of the Committee on Economic, Social and Cultural Rights on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities also offers guidance in this context, in particular with regard to the obligation to respect, protect and fulfil and to provide remedies and ensure non-discrimination, together with guidance on extraterritorial obligations (see E/C.12/GC/24). Micro-, small and medium-sized businesses are a significant source of employment for groups that are particularly vulnerable to social and economic deprivation, including women, older persons and less-skilled workers (A/HRC/35/32, para. 7).**

51. **Investments and new market opportunities can create work vacancies and promote shifts in labour markets that encourage just and favourable working**

conditions. This is only possible, however, if Member States avoid a race to the bottom in labour standards by adopting internationally recognized rules that protect vulnerable groups. Those employed in more traditional jobs are most affected by changes in market trends caused by globalization (E/C.12/GC/23, para. 47), and special programmes should be directed at them.

52. A rights-based approach to migration provides opportunities for those fleeing persecution, climate-related disasters or extreme poverty and enables host countries to promote cultural diversity and address demographic challenges. Immigrants are particularly vulnerable, however, to discrimination based on racial, national or religious grounds. Undocumented migrants are particularly vulnerable to rights violations.

53. New job opportunities and the flow of information facilitated by globalization provide openings for promoting gender equality. Women and girls, however, are likely to be more adversely affected in the labour market and in the context of large migrant flows.

54. Globalization has contributed to the free flow of ideas, on the one hand; on the other, it has also facilitated the spread of hate speech. According to information provided by Member States, it has also arguably increased cultural and technological divides both within and among countries. The Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence (A/HRC/22/17/Add.4, appendix) provides a framework to address hate speech. The Internet and modern means of communication fostered by globalization should be used to promote an inclusive information society that addresses the digital divide between the information-rich and the information-poor (A/HRC/7/14, para. 62). An independent and diverse media can help to protect the rights of media users, including members of ethnic and linguistic minorities, to receive a wide range of information and ideas (see CCPR/C/GC/34). In this context, strengthening dialogue among religions and holders of different beliefs is important to promote tolerance, respect and mutual understanding.[2]

55. Good governance, including measures to combat corruption, preventive measures and adequate planning of policies, is crucial for ensuring that globalization has a positive effect on human rights. Fighting corruption, in particular, illicit financial flows (see A/HRC/31/61), should be done at the national and intergovernmental levels. Preventive measures should include, inter alia, the protection of whistle-blowers (A/70/361, paras. 26-57), awareness-raising, information-sharing, education and the training of all stakeholders involved (A/HRC/28/73, para. 51). Adequate planning should include the promotion of human rights impact assessments of policies and projects (see A/HRC/19/59/Add.5). It is also crucial to preserve the capacity of Member States to implement policies for protecting, promoting and fulfilling human rights (Human Rights Council resolution 25/16, para. 8 (b)).

56. Globalization produces major challenges to the enjoyment of human rights. However, the opportunities it affords can be optimized if Member States and other stakeholders cooperate in the spirit of international solidarity, as evidenced by the adoption of the 2030 Agenda for Sustainable Development, and accelerate national and international efforts to implement the Addis Ababa Action Agenda and the Paris Agreement. Development is the key to preventing

[2] As emphasized in Human Rights Council resolution 6/37, para. 12; and stressed in Human Rights Council resolution 22/20, para. 9.

conflict and achieving sustained peace. International commitments to human rights, and inclusive, equitable and sustainable development must be upheld and must guide processes of globalization towards peace, human rights and development.

B. Recommendations

Transnational corporations and other business enterprises

57. Recommendations include the following:

(a) Member States and businesses should implement the Guiding Principles on Business and Human Rights, cooperate with the Working Group on the issue of human rights and transnational corporations and other business enterprises, and engage constructively in the open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights;

(b) Relevant laws, both domestic and international, should address accountability for the activities of corporation that adversely affect the full enjoyment of all human rights by everyone, everywhere; and businesses should be encouraged to help to raise standards of human rights to be enjoyed by consumers and workers, and local communities;

(c) Member States should encourage and facilitate the activities of micro-, small and medium-sized businesses;

(d) Legislation on Internet communications should respect and protect the right to privacy and other relevant human rights.

Right to work

58. Member States should adopt specific policies to assist workers in the sectors most affected by globalization, including through vocational training and training programmes in non-traditional fields of study and work.

Women and girls

59. Recommendations include the following:

(a) Member States should adopt policies addressing structural sex discrimination in the labour market and workplace;

(b) Member States should consider affirmative action to promote women's participation in government and appointment to leadership positions in the private sector.

Migration

60. Recommendations include the following:

(a) Member States should consider issuing humanitarian visas to migrants in vulnerable situations;

(b) All relevant actors should fight exclusion, harmful stereotyping and the stigmatization of migrant workers and refugees;

(c) Member States should ensure that migrants and refugees have access to information on their rights in a language they understand.

Freedom of opinion and expression and the right to take part in cultural life

61. **Recommendations include the following:**

(a) **Member States should encourage an independent and diverse media;**

(b) **Member States and all stakeholders should cooperate with developing countries to bridge the digital divide between and within countries;**

(c) **Member States should ensure freedom of opinion and expression, including by dissenting voices and media outlets;**

(d) **All relevant actors should continue and strengthen initiatives to promote dialogue among and within different religions and holders of different beliefs, at all levels.**

Corruption and good governance

62. **Recommendations include the following:**

(a) **Intergovernmental efforts to implement the United Nations Convention against Corruption should be carried out with increased synergy, including through coordination among relevant international agencies;**

(b) **Member States should implement the human rights principles of transparency, accountability, non-discrimination and meaningful participation in order to fight effectively against corruption, both locally and globally;**[3]

(c) **Member States and international organizations should adopt or revise and implement normative frameworks protecting whistle-blowers;**

(d) **Human rights impact assessments should be carried out for domestic policies and international trade and investment agreements;**

(e) **International financial institutions and creditors should respect and preserve the capacity of Member States to design and implement policies and programmes, including national budgets that enable the realization of rights.**

Sustainable Development Goals

63. **Recommendations include the following:**

(a) **Member States should fulfil their commitments adopted in the 2030 Agenda for Sustainable Development and with regard to the Sustainable Development Goals, the Addis Ababa Action Agenda and the Paris Agreement, in line with the Declaration on the Right to Development;**

(b) **Member States should take into account recommendations of the international human rights mechanisms (treaty bodies and special procedures) in the design and implementation of policies for the implementation of the Sustainable Development Goals.**

[3] See http://www.ohchr.org/EN/Issues/Development/GoodGovernance/Pages/AntiCorruption.aspx.

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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Sexual and reproductive health and rights of girls and young women with disabilities

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the rights of persons with disabilities, Catalina Devandas Aguilar, submitted in accordance with Human Rights Council resolution 35/6.

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Report of the Special Rapporteur on the rights of persons with disabilities

Summary

In the present report, the Special Rapporteur on the rights of persons with disabilities examines the challenges experienced by girls and young women with disabilities in relation to their sexual and reproductive health and rights, and provides guidance to States on how to ensure legal and policy frameworks that support their autonomy and address the structural factors that expose them to violence, abuse and other harmful practices.

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I. Introduction

1. In its resolution 35/6, the Human Rights Council requested the Special Rapporteur of the Human Rights Council on the rights of persons with disabilities to report annually to the General Assembly.

2. In her thematic reports, the Special Rapporteur has underscored the importance of ensuring a gender perspective in all interventions related to persons with disabilities, stressing the significant additional barriers that women and girls with disabilities encounter that can prevent them from the full enjoyment of their rights. As international and national efforts on the rights of persons with disabilities have too often failed to take into account a gender perspective, it is urgent that the multifaceted discrimination, marginalization and compounded human rights violations that women and girls with disabilities face in most societies be addressed (see A/HRC/28/58, para. 19 (d)).

3. The present report focuses on the sexual and reproductive health and rights of girls and young women with disabilities. The term "girls with disabilities" refers to women with disabilities below the age of 18 years, whereas the term "young women with disabilities" refers to women between 15 and 24 years of age.[1] The Special Rapporteur stresses that those women face significant challenges in making autonomous decisions with regard to their reproductive and sexual health, and are regularly exposed to violence, abuse and harmful practices, including forced sterilization, forced abortion and forced contraception. She recalls that States have an obligation to invest in the sexual and reproductive health and rights of girls and young women with disabilities, and to end all forms of violence against them.

4. In preparing her report, the Special Rapporteur analysed 47 responses to a questionnaire sent to Member States, national human rights institutions and civil society organizations, including representative organizations of persons with disabilities, as well as the outcome of consultations conducted with girls and young women with disabilities in three countries, whose main trends are reflected in the text. She also organized an expert consultation in New York in June 2017 with representatives of United Nations agencies, women's organizations and organizations of persons with disabilities. The Special Rapporteur would like to thank Plan International, who supported the research efforts for the study, which was undertaken under the coordination of her office.

II. Sexual and reproductive health and rights of girls and young women with disabilities

A. Context

5. There are more than one billion people with disabilities in the world today, and the average global disability prevalence rate is estimated to be 15.6 per cent.[2] Persons with disabilities experience great social disadvantages worldwide, such as poverty; discriminatory laws and practices; environmental and information barriers; poor education, health and employment; and increased expenditures related to the extra cost of living with a disability (see A/70/297, paras. 25-32, and A/71/314, paras. 13-16).

[1] See Convention on the Rights of the Child, art. 1, and *United Nations System-wide Action Plan on Youth Report* (2014), p. 5. Available from www.unyouthswap.org/system/refinery/resources/2014/10/15/20_42_35_106_UN_Youth_SWAP_Report_2014.pdf.

[2] World Health Organization (WHO) and World Bank, *World Report on Disability* (Geneva, 2011), p. 27. Available from www.who.int/disabilities/world_report/2011/en.

6. Disability is more prevalent among women than men. Women with disabilities account for almost one fifth of the world's female population.[3] There are no reliable and representative global data on children with disabilities.[4] Estimates suggest that there are between 93 and 150 million children with disabilities worldwide, but numbers could be higher.[5] Furthermore, there are very few statistics available on girls with disabilities at national and international levels, as generally data are not disaggregated by gender, age and disability. That scarcity of data has contributed to making the pressing human rights issues that affect children with disabilities, and girls in particular, invisible.

7. The intersection between young age, disability and gender results in both aggravated forms of discrimination and specific human rights violations against girls and young women with disabilities. While in all parts of the world persons with disabilities are faced with violations of their rights and barriers to their participation as equal members of society, girls with disabilities are significantly worse off than boys with disabilities, regardless of the types and levels of impairment. Girls with disabilities are more likely to be excluded from family interactions and activities, and are less likely to have access to education, vocational training and employment, or to benefit from full inclusion.[6]

8. Furthermore, girls and young women with disabilities are, almost without exception, prevented from making autonomous decisions with regard to their reproductive and sexual health, which can result in highly discriminatory and harmful practices, as discussed in section III below. Many of those practices occur in institutions, as girls and young women with disabilities are more likely to be institutionalized.[7]

B. Disability and sexual and reproductive health and rights

9. For women with disabilities, disability inclusion and gender equality cannot be achieved without addressing their sexual and reproductive health and rights. In particular, girls and young women with disabilities are able to develop their own identities and realize their full potential when their sexual and reproductive health needs and rights are met. That contributes to ensuring their health and well-being, reducing the existing gaps in their access to education and employment and achieving their empowerment. When those needs and rights are not met, they are exposed to unintended pregnancies, sexually transmitted diseases, gender-based violence and sexual abuse, child marriage and other harmful practices that hamper their participation.

10. Sexual and reproductive health and rights are human rights. They are not only an integral part of the right to health, but are necessary for the enjoyment of many other human rights, including the rights to life, freedom from torture and ill-treatment, freedom from discrimination, equal recognition before the law, privacy and respect for family life, education and work. As such, sexual and reproductive health and rights are universal and inalienable, indivisible, interdependent and interrelated. States must ensure the availability,

[3] WHO and World Bank, *World Report on Disability*, p. 28.

[4] C. Cappa, N. Petrowski and J. Njelesani, "Navigating the landscape of child disability measurement: a review of available data collection instruments", *ALTER, European Journal of Disability Research*, vol. 9, No. 4 (October-December 2015).

[5] WHO and World Bank, *World Report on Disability*, p. 36.

[6] *The State of the World's Children: Children with Disabilities* (United Nations publication, Sales No. E.13.XX.1), p. 1. Available from www.unicef.org/sowc2013/files/SWCR2013_ENG_Lo_res_24_Apr_2013.pdf.

[7] United Nations Children's Fund (UNICEF), "Children and young people with disabilities", fact sheet, May 2013, p. 19. Available from www.unicef.org/disabilities/files/Factsheet_A5__Web_NEW.pdf.

accessibility, acceptability and quality of facilities, goods, information and services related to sexual and reproductive health and rights.[8]

11. Sexual and reproductive health and rights entail a set of freedoms and entitlements. They encompass the right to have control over decisions concerning sexuality and reproduction without discrimination, coercion and violence, and the right to access a range of sexual and reproductive health facilities, services, goods and information.[9] Sexual and reproductive health services include, inter alia, contraceptive counselling, information, education, communication and services; education and services for prenatal care, safe delivery and postnatal care; the prevention and appropriate treatment of infertility; safe abortion services; the prevention and treatment of sexually transmitted and reproductive tract infections; and sexual and reproductive health information, education and counselling (see A/CONF.171/13/Rev.1, chap. VII).

12. States have an obligation to respect, protect and fulfil the sexual and reproductive health and rights of girls and young women with disabilities. The International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of Persons with Disabilities, as well as other international and regional instruments, outline standards for securing the sexual and reproductive health and rights of girls and young women with disabilities and for protecting their right to be free from any kind of gender-based violence.

13. Sexual and reproductive health, human rights and sustainable development are all interconnected. The Sustainable Development Goals explicitly call for ensuring "universal access to sexual and reproductive health and reproductive rights", and include targets related to that under Goal 3, Ensure healthy lives and promote well-being for all at all ages; Goal 4, Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all; and Goal 5, Achieve gender equality and empower all women and girls. In addition, Goal 5 stresses that all forms of discrimination and violence against girls and women (including those with disabilities) must be eliminated. Investing in sexual and reproductive health and rights saves lives and empowers girls and young women with disabilities. Protecting and promoting their sexual and reproductive health and rights should therefore be a top priority for States.

C. Convention on the Rights of Persons with Disabilities

14. The adoption of the Convention on the Rights of Persons with Disabilities represented a major milestone towards the full and effective enjoyment of sexual and reproductive health and rights by girls and young women with disabilities. Embracing the basic principles of human rights, the Convention moves away from medical and paternalistic approaches towards a human rights-based approach to the sexual and reproductive health and rights of persons with disabilities. The Convention challenges all forms of substituted decision-making in the exercise of sexual and reproductive health and rights (see arts. 12 and 25); prohibits harmful and discriminatory practices against persons with disabilities in all matters related to marriage, family, parenthood and relationships, including the right to retain their fertility and to decide on the number and spacing of their children (see art. 23); calls to end all forms of exploitation, violence and abuse, including their gender-based aspects (see art. 16); and promotes access to quality sexual and affordable reproductive health care and programmes (see art. 25).

[8] See Committee on Economic, Social and Cultural Rights, general comment No. 22 (2016) on the right to sexual and reproductive health, paras. 11-21.

[9] Ibid., para. 5; E/CN.4/2004/49, paras. 22-40.

15. The Convention addresses the rights of girls and women with disabilities in a cross-cutting manner, adopting a twin-track approach. On one hand, it includes specific articles on women and children with disabilities (see arts. 6 and 7); on the other, it refers to them in the general principles and other substantive articles (see arts. 3, 4, 8, 13, 16, 18, 23, 25 and 30). Article 6 recognizes that women and girls with disabilities are subject to multiple discriminations and requires States to adopt measures to ensure their full and equal enjoyment of rights, as well as their full development, advancement and empowerment. States must systematically mainstream the interests and rights of girls with disabilities in and across all national action plans, strategies and policies concerning women, childhood and disability, as well as in their sectoral plans. They must also target and monitor action aimed specifically at girls with disabilities, including their sexual and reproductive health and rights.[10]

16. Article 7 of the Convention provides that States must take measures to ensure the full enjoyment of rights by children with disabilities, consider the principle of best interests and respect their evolving capacities. The Convention requires States to ensure that boys and girls with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realize that right (see art. 7, para. 3). The Convention thus reinforces the obligations of States to recognize and respect the evolving capacities of children with disabilities and to provide support to strengthen their capacities to enable independent decision-making. As stressed by the Committee on the Rights of the Child, the young age or the disability of a child does not deprive her or him of the right to express her or his views, nor reduces the weight given to the child's views in determining her or his best interests.[11]

17. While attention to the sexual and reproductive health and rights of girls and women with disabilities increased following the Programme of Action of the International Conference on Population and Development of 1994 and the Beijing Declaration and Platform for Action of 1995, it is in the Convention on the Rights of Persons with Disabilities that States and the international human rights system restated their commitment to promote and protect the rights of girls and young women with disabilities in that area. For example, the Committee on Economic, Social and Cultural Rights issued a general comment on the right to sexual and reproductive health with specific references to persons with disabilities, including accessibility and reasonable accommodation.[12] The Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child have also highlighted the importance of ensuring sexual and reproductive health services and ending sexual violence and harmful practices against women and girls with disabilities.[13] The special procedures of the Human Rights Council have also addressed the issue of sexual and reproductive health and rights of girls with

[10] See Committee on the Rights of Persons with Disabilities, general comment No. 3 (2016) on women and girls with disabilities, para. 27.

[11] See Committee on the Rights of the Child, general comment No. 14 (2013) on the right of a child to his or her best interests taken as a primary consideration, para. 54.

[12] See Committee on Economic, Social and Cultural Rights, general comment No. 22, paras. 2, 8-9, 16, 19-20, 24 and 30.

[13] See Committee on the Rights of the Child, general comment No. 20 (2016) on the implementation of the rights of the child during adolescence, paras. 31-32, Committee on the Elimination of Discrimination against Women and Committee on the Rights of the Child, joint general recommendation No. 31/general comment No. 18 on harmful practices, paras. 9 and 88, Committee on the Rights of the Child, general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, paras. 1, 5, 8, 15, 22 and 114 (b), Committee on the Rights of the Child, general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, paras. 8, 15 (a), 16, 21 (e), 23, 41 (a), 43 (a) (ii), 47 (a) (i), 48, 54 (b), 56, 60, 72 (g) and 75 (a), and Committee on the Rights of the Child, general comment No. 3 (2003) on HIV/AIDS and the rights of the child, paras. 6, 9, 17, 21 and 37.

disabilities, including recent reports by the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health with regard to the rights of adolescents (see A/HRC/32/32, paras. 86 and 94), the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment focused on torture in health-care settings (see A/HRC/22/53, paras. 48 and 57-70), the Special Rapporteur on violence against women, its causes and consequences, with regard to violence against women with disabilities (A/67/227) and the Working Group on the issue of discrimination against women in law and in practice focused on the issue of discrimination against women with regard to health and safety (see A/HRC/32/44, paras. 45-47).

III. Challenges of sexual and reproductive health and rights of girls and young women with disabilities

A. Stigma and stereotypes

18. Stigma and stereotypes play a significant role in limiting the sexual and reproductive health and rights of girls and young women with disabilities.[14] The sexuality of persons with disabilities is usually considered a taboo topic. Relatives, teachers and health-care providers are generally anxious, untrained and unconfident about discussing sexuality with them.[15] Moreover, there is a prevalent assumption that persons with disabilities, particularly girls and young women with disabilities, are either asexual or hypersexual.[16] Those stigmas are particularly strong in the cases of persons with intellectual and psychosocial disabilities. Empirical studies show, however, that young people with disabilities have the same concerns and needs with regard to sexuality, relationships and identity as their peers, and have similar patterns of sexual behaviour.[17]

19. Stereotypes based on gender and disability often lead to structural or systemic discrimination against women with disabilities, in particular when exercising their sexual and reproductive health and rights.[18] Stigma and misconceptions about disability and sexuality can have a profound negative impact on their lives and can lead to their disempowerment and infantilization. The nature of the prejudice experienced affects their self-esteem, making them feel insecure and socially isolated.[19] Girls and young women with disabilities are neither seen to be in need of information about their sexual and reproductive health and rights and available services, nor seen as competent to make decisions about their sexual and reproductive lives. Moreover, as many girls and young women with more severe impairments live at home or in institutions, often completely dependent on or controlled by others, they are denied the full exercise of their autonomy and privacy, whether that is intentional or not. Consequently, many girls and young women with disabilities lack the basic knowledge and support required to protect

[14] Office of the United Nations High Commissioner for Human Rights (OHCHR), "OHCHR commissioned report: gender stereotyping as a human rights violation", October 2013. Available from www.ohchr.org/Documents/Issues/.../2013-Gender-Stereotyping-as-HR-Violation.doc.

[15] M. Ballan, "Parental perspectives of communication about sexuality in families of children with autism spectrum disorders", *Journal of Autism and Developmental Disorders*, vol. 42, No. 5 (May 2012); A. Dupras and H. Dionne, "The concern of parents regarding the sexuality of their child with a mild intellectual disability", *Sexologies*, vol. 23, No. 4 (October-December 2014).

[16] See Committee on the Rights of Persons with Disabilities, general comment No. 3, para. 30.

[17] E. Brunnberg, M. L. Boström and M. Berglund, "Sexuality of 15/16-year-old girls and boys with and without modest disabilities", *Sexuality and Disability*, vol. 27, No. 3 (September 2009); A. C. B. Maia, "Vivência da sexualidad a partir do relato de pessoas com deficiência intellectual", *Psicologia em Estudo*, vol. 21, No. 1 (2016).

[18] See Committee on the Rights of Persons with Disabilities, general comment No. 3, para. 17 (e).

[19] M. M. Cheng and J. R. Udry, "Sexual behaviors of physically disabled adolescents in the United States", *Journal of Adolescent Health*, vol. 31, No. 1 (July 2002).

themselves from sexual abuse, unwanted pregnancy and sexually transmitted infections, and are not equipped to make informed decisions about their own bodies, health and lives.[20]

20. Dominant patriarchal assumptions of a woman's role as primarily that of a wife and mother also hinder girls and young women with disabilities from living healthy sexual and reproductive lives. Because girls and young women with disabilities are perceived to be less likely to become, or be capable of becoming, spouses, mothers or caregivers, families often pay less attention to them than to other family members, thereby deepening gender inequalities.[21] Likewise, the prevalent societal idea of beauty affects many girls and young women with disabilities, who see themselves as unattractive and unworthy. The prevalence of such models and views can have a deeply rooted impact on girls and young women with disabilities, as they may perceive themselves as incapable of fulfilling those models and views, creating a hard-to-break cycle of low expectations and relegation by their families and society. Some young women with disabilities report that stigma about disability makes them willing to accept a partner who might mistreat them.[22]

21. Girls and young women with disabilities belonging to groups that have been historically disadvantaged or discriminated against, such as indigenous peoples, religious and ethnic minorities, poor or rural populations, migrants and refugees, and lesbian, gay, bisexual, transgender and intersex persons, experience multiple and intersectional forms of discrimination in the exercise of their sexual and reproductive health and rights. For example, indigenous girls and women with disabilities face a higher risk of experiencing early marriage, sexual violence and unwanted pregnancy.[23] Girls with disabilities, particularly those with intellectual disabilities, also encounter significant barriers to asserting their sexual orientation because parents and guardians often deny and supress their views.[24]

22. Girls and young women with multiple impairments and those who are deaf, deaf-blind, autistic or have leprosy or an intellectual or psychosocial disability, experience aggravated forms of stigma and discrimination. For example, the pervasive view that girls and young women with intellectual disabilities lack the capacity to understand sexuality and their own bodies, as well as the fear of their relatives of being held responsible for allowing their sexual activity, puts those girls and young women under excessive monitoring and control. Furthermore, in some countries, girls and young women with disabilities, especially those with albinism, are at heightened risk of sexual violence owing to the myth that having sex with them can cure HIV/AIDS (see A/71/255, para. 17).

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[20] S. Altundağ and N. Ç. Çalbayram, "Teaching menstrual care skills to intellectually disabled female students", *Journal of Clinical Nursing*, vol. 25, Nos. 13-14 (July 2016); M. Á. A. Rodríguez, A. A. Díaz and B. A. Martínez, "Eficacia de un programa de educación sexual en jóvenes con discapacidad intellectual", *Análisis y Modificación De Conducta*, vol. 32, No. 142 (2006); J. Duh, "Sexual knowledge of Taiwanese adolescents with and without visual impairments", *Journal of Visual Impairment and Blindness*, vol. 94, No. 6 (2000).

[21] K. F. Linton and H. A. Rueda, "Dating and sexuality among minority adolescents with disabilities: an application of sociocultural theory", *Journal of Human Behavior in the Social Environment*, vol. 25, No. 2 (January 2015); J. A. McKenzie, "Disabled people in rural South Africa talk about sexuality", *Culture, Health and Sexuality*, vol. 15, No. 3 (2013).

[22] P. Chappell, "How Zulu-speaking youth with physical and visual disabilities understand love and relationships in constructing their sexual identities", *Culture, Health and Sexuality*, vol. 16, No. 9 (2014).

[23] Inter-Agency Support Group on Indigenous Peoples' Issues, "Thematic paper on sexual and reproductive health and rights of indigenous peoples", 2014.

[24] L. Löfgren-Mårtenson, "The invisibility of young homosexual women and men with intellectual disabilities", *Sexuality and Disability*, vol. 27, No. 1 (March 2009).

B. Barriers to accessing information and services on sexual and reproductive health and rights

23. Many girls and young women with disabilities do not have access to information and education about sexual and reproductive health and rights and related services. Several studies found that youth with disabilities, especially girls and young women with intellectual disabilities, have low levels of sexuality education and sexual and reproductive health and rights knowledge, including information with regard to the prevention and transmission of HIV.[25] The lack of inclusive education prevents girls and young women with disabilities from accessing comprehensive sexuality education, as those programmes are usually not available in special education settings. In addition, comprehensive sexuality education is not always delivered in accessible formats and alternative languages, and very often it does not address disability-specific needs.[26] Stigma and stereotypes about female sexuality can also lead to the exclusion of girls and young women with disabilities from existing comprehensive sexuality education programmes by their parents, guardians and teachers.[27] There is a general lack of guidance for families and teachers on how to talk about sexuality and equality with girls and young women with disabilities.

24. Furthermore, in many parts of the world, girls and young women with disabilities are often entirely excluded from the education system, or otherwise isolated from their communities at home or in institutions, and are without any access to sexuality education. The lack of equal access to inclusive and quality education affects, in particular, girls and young women with disabilities in conflict, post-conflict or other humanitarian situations, especially those who are refugees, internally displaced, migrants or asylum seekers; deprived of their liberty in hospitals, residential institutions, juvenile or correctional facilities; or homeless or living in poverty. Girls and young women in such situations are at heightened risk of being subjected to physical or sexual abuse and contracting sexually transmitted infections.[28]

25. Girls and young women with disabilities frequently have limited access to sexual and reproductive health-care services. Common barriers to accessing those services include negative and hostile attitudes among service providers; the absence of physical accessibility with regard to buildings and equipment (e.g., exam tables and diagnostic equipment); the lack of information in accessible formats (e.g., in Braille or plain language); communication barriers (e.g., the lack of training for service providers on communicating with young women and girls with intellectual disabilities and the inability to use sign language); relatives and caregivers acting as gatekeepers to information and services; the lack of accessible transportation to or from services; the affordability of

[25] T. Alemu and M. Fantahun, "Sexual and reproductive health status and related problems of young people with disabilities in selected associations of people with disability", *Ethiopian Medical Journal*, vol. 49, No. 2 (April 2011); A. Jahoda and J. Pownall, "Sexual understanding, sources of information and social networks: the reports of young people with intellectual disabilities and their non-disabled peers", *Journal of Intellectual Disability Research*, vol. 58, No. 5 (May 2014).

[26] C. Alquati Bisol, T. M. Sperb and G. Moreno-Black, "Focus groups with deaf and hearing youths in Brazil: improving a questionnaire on sexual behavior and HIV/AIDS", *Qualitative Health Research*, vol. 18, No. 4 (April 2008); C. Krupa and S. Esmail, "Sexual health education for children with visual impairments: talking about sex is not enough", *Journal of Visual Impairment and Blindness*, vol. 104, No. 6 (2010).

[27] A. Lafferty, R. McConkey and A. Simpson, "Reducing the barriers to relationships and sexuality education for persons with intellectual disabilities", *Journal of Intellectual Disabilities*, vol. 16, No. 1 (March 2012); S. Mall and L. Swartz, "Attitudes toward condom education amongst educators for deaf and hard-of-hearing adolescents in South Africa", *African Journal of Primary Health Care and Family Medicine*, vol. 6, No. 1 (August 2014).

[28] Handicap International, "Disability in humanitarian context: views from affected people and field organisations", Study — 2015, Advocacy (2015), p. 9. Available from www.handicap-international.org.uk/sites/uk/files/documents/files/2015-07-study-disability-in-humanitarian-context-handicap-international.pdf.

services; and the isolation of girls and young women with disabilities in institutions, camps, family homes or group homes. Moreover, many women and girls with disabilities report that their specific needs and expectations are not met by gynaecological services.[29]

26. Girls and young women with disabilities face unique challenges with regard to the management of menstrual hygiene. The absence of appropriate sanitation facilities in schools, including separate, accessible and sheltered toilets, in addition to the lack of education, resources and support for menstrual hygiene, compromise their ability to properly manage their hygiene and make them especially prone to diseases.[30] Consequently, many girls and young women with disabilities stay at home or are sent to special schools, reinforcing their exclusion from comprehensive sexuality education.

27. The prevalence of sexually transmitted infections among youth with disabilities, including girls and young women with disabilities, is of concern. Evidence shows that children and youth with disabilities have a similar or increased risk for contracting sexually transmitted infections compared with other youth, while girls with disabilities experience higher rates than boys with disabilities.[31] However, youth with disabilities, including girls, are less likely to receive information about the prevention of HIV/AIDS or to be given condoms or other methods to prevent sexually transmitted diseases. Evidence suggests, for example, that HIV testing is lower among youth with disabilities (men and women) than among the general population.[32] Generally, girls and young women with disabilities are not the target of prevention campaigns on sexually transmitted infections and cancers. The issue is particularly serious for those who are deaf or deaf-blind, who are traditionally excluded from all mainstream information.

28. The pervasive misconception that adolescents, both with and without disabilities, lack the capacity to make autonomous decisions about their own health care is a major barrier to girls and young women with and without disabilities when they attempt to access sexual and reproductive health information and services. Many States legally limit the ability of adolescents to make autonomous choices about their sexual and reproductive health and rights by requiring parental notification or consent prior to the provision of information and services, or by permitting health-care providers to deny reproductive health information, goods and services to adolescents. Moreover, for young women with disabilities over legal age, legislation restricting their legal capacity on the basis of disability and misconceptions about their perceived lack of capacity prevent many of them from making autonomous decisions about sexual and reproductive health-care services. Those restrictive circumstances result in an impenetrable barrier for girls and young women with disabilities, especially for those requiring support to express their will and preferences, since such support is usually provided by the family. Consequently, in many cases, girls and young women with disabilities have no control over their own sexual and

[29] F. Williams, G. Scott and A. McKechanie, "Sexual health services and support: the views of younger adults with intellectual disability", *Journal of Intellectual and Developmental Disability*, vol. 39, No. 2 (2014).

[30] OHCHR, "Realisation of the equal enjoyment of the right to education by every girl" (2017), p. 12. Available from www.ohchr.org/Documents/Issues/Women/WRGS/ReportGirlsEqualRightEducation.pdf.

[31] U. Agarwal and S. Muralidhar, "A situational analysis of sexual and reproductive health issues in physically challenged people, attending a tertiary care hospital in New Delhi", *Indian Journal of Sexually Transmitted Diseases*, vol. 37, No. 2 (July-December 2016); J. B. Munymana, V. R. P. M'kumbuzi, H. T. Mapira, I. Nzabanterura, I. Uwamariya and E. Shema, "Prevalence of HIV among people with physical disabilities in Rwanda", *Central African Journal of Medicine*, vol. 60, Nos. 9-12 (September-December 2014).

[32] T. J. Aderemi, M. Mac-Seing, S. A. Woreta and K. A. Mati, "Predictors of voluntary HIV counselling and testing services utilization among people with disabilities in Addis Ababa, Ethiopia", *AIDS Care*, vol. 26, No. 12 (2014); Y. Bat-Chava, D. Martin and J. G. Kosciw, "Barriers to HIV/AIDS knowledge and prevention among deaf and hard-of-hearing people", *AIDS Care*, vol. 17, No. 5 (July 2005).

reproductive lives, as decisions are taken for them under the paternalistic guise of "for their own good" (see A/67/227, para. 36). Denying access to sexual and reproductive health care to girls and young women with disabilities is a form of violence, which also exposes them to the risks of unwanted pregnancy, early marriage and school dropout.

C. Harmful and forced practices

29. The forced sterilization of girls and young women with disabilities represents a widespread human rights violation across the globe. Girls and young women with disabilities are disproportionately subjected to forced and involuntary sterilization for different reasons, including eugenics, menstrual management and pregnancy prevention.[13] Women with intellectual and psychosocial disabilities, as well as those placed in institutions, are particularly vulnerable to forced sterilization. Despite the limited data on current practices, studies show that the sterilization of women and girls with disabilities continues to be prevalent, and up to three times higher than the rate for the general population.[14]

30. While United Nations human rights instruments, mechanisms and agencies have recognized that the forced sterilization of persons with disabilities constitutes discrimination, a form of violence, torture and other cruel, inhuman or degrading treatment,[15] the practice is still legal and applied in many countries.[16] Across the globe, many legal systems allow judges, health-care professionals, family members and guardians to consent to sterilization procedures on behalf of persons with disabilities as being in their "best interest", particularly for girls with disabilities who are under the legal authority of their parents. The practices are often conducted on a purported precautionary basis because of the vulnerability of girls and young women with disabilities to sexual abuse, and under the fallacy that sterilization would enable girls and young women with disabilities who are "deemed unfit for parenthood" to improve their quality of life without the "burden" of a

[13] Open Society Foundations, Human Rights Watch, Women with Disabilities Australia and International Disability Alliance, "Sterilization of women and girls with disabilities: a briefing paper" (November 2011). Available from www.opensocietyfoundations.org/publications/sterilization-women-and-girls-disabilities-0.

[14] L. Servais, R. Leach, D. Jacques and J. P. Roussaux, "Sterilisation of intellectually disabled women", *European Psychiatry*, vol. 19, No. 7 (November 2004); L. Lennerhed, "Sterilisation on eugenic grounds in Europe in the 1930s: news in 1997 but why?", *Reproductive Health Matters*, vol. 5, No. 10 (November 1997).

[15] See Convention on the Rights of Persons with Disabilities, arts. 5, 12, 23 and 25, Committee on the Rights of Persons with Disabilities, general comment No. 3, paras. 10, 32, 44 and 45, Committee on Economic, Social and Cultural Rights, general comment No. 22, para. 30, Committee on the Rights of the Child, general comment No. 20, para. 31, Committee on the Rights of the Child, general comment No. 13, para. 23, CEDAW/C/CZE/CO/5, paras. 34-35, 37 and 42, CEDAW/C/AUL/CO/7, paras. 35 and 43, A/63/175, paras. 40-41 and 70-76, A/HRC/22/53, para. 48, A/67/227, para. 28, A/HRC/32/32, para. 94, and OHCHR, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the Joint United Nations Programme on HIV/AIDS, the United Nations Development Programme, the United Nations Population Fund, UNICEF and WHO, *Eliminating forced, coercive and otherwise involuntary sterilization: an interagency statement* (WHO, Geneva, 2014). Available from www.unaids.org/sites/default/files/media_asset/201405_sterilization_en.pdf.

[16] See the concluding observations of the Committee on the Rights of Persons with Disabilities in relation to the reports of Argentina, Australia, Bolivia (Plurinational State of), Brazil, Canada, Chile, Colombia, Costa Rica, the Cook Islands, Croatia, Czechia, China, the Dominican Republic, El Salvador, Germany, Honduras, Hungary, Iran (Islamic Republic of), Jordan, Kenya, Lithuania, Mauritius, Mexico, Mongolia, New Zealand, Peru, Portugal, Qatar, the Republic of Korea, the Republic of Moldova, Serbia, Slovakia, Spain, Thailand, Turkmenistan, Ukraine, Uruguay and the European Union.

pregnancy.[37] However, sterilization neither protects them against sexual violence or abuse nor removes the State's obligation to protect them from such abuse.[38] Forced sterilization is an unacceptable practice with lifelong consequences on the physical and mental integrity of girls and young women with disabilities that must be immediately eradicated and criminalized.

31. Other medical procedures or interventions that are often performed without the free and informed consent of girls and young women with disabilities include forced contraception and forced abortion. Contraception is often used to control menstruation at the request of health professionals or parents.[39] Moreover, while the contraceptive needs of girls and young women with disabilities are the same as those without disabilities, they receive contraception more often by way of injection or through intrauterine devices rather than orally, as it is less burdensome for families and service providers.[40] In addition, girls and young women with disabilities are frequently pressured to end their pregnancies owing to negative stereotypes about their parenting skills and eugenics-based concerns about giving birth to a child with disabilities.[41] During official country visits, the Special Rapporteur has received information about compulsory regular gynaecological checks and the use of forced abortion in institutions as a way to contain the institution's population.[42]

32. There is a worrisome and growing number of cases of surgical procedures and hormonal treatments intended to inhibit the growth of girls and young women with severe impairments. Hysterectomy, for example, is regarded as an effective way to avoid menstruation management,[42] and it is justified on the discriminatory presumption that girls and young women with disabilities cannot handle the pain, discomfort and trauma of menstruation — an argument not applicable to girls and women without disabilities. Oestrogen treatment is also being increasingly administered for "growth-attenuation therapy", aiming to inhibit girls' entry into puberty and reduce their final height and weight in order to facilitate care.[43] Those practices constitute gross human rights violations that go well beyond patronizing and infantilizing; they prioritize the interests of caregivers to the detriment and denial of a person's dignity and integrity. As the Committee on the Rights of the Child has emphasized, the interpretation of a child's best interests cannot be

[37] See, for example, the Constitutional Court of Colombia, sentence C-182 of 13 April 2016, and the Constitutional Court of Spain, sentence 215/1994 of 14 July 1994.

[38] OHCHR, et al., *Eliminating forced, coercive and otherwise involuntary sterilization: an interagency statement*, p. 6.

[39] H. M. J. Van Schrojenstein Lantman-de Valk, F. Rook and M. A. Maaskant, "The use of contraception by women with intellectual disabilities," *Journal of Intellectual Disability Research*, vol. 55, No. 4 (April 2011).

[40] M. McCarthy, "'I have the jab so I can't be blamed for getting pregnant': contraception and women with learning disabilities", *Women's Studies International Forum*, vol. 32, No. 3 (May-June 2009); M. Morad, I. Kandel and J. Merrick, "Residential care centers for persons with intellectual disability in Israel: trends in contraception methods 1999-2006", *Medical Science Monitor*, vol. 15, No. 6 (June 2009).

[41] J. O'Connor, "Literature review on provision of appropriate and accessible support to people with an intellectual disability who are experiencing crisis pregnancy", National Disability Authority (Údarás Náisúnta Míchumais). Available from http://crisispregnancy.ie/wp-content/uploads/2012/05/Literature-Review-on-Provision-of-Appropriate-and-AccessibleSupport-to-People-with-an-Intellectual-Disability-who-areExperiencing-Crisis-Pregnancy.pdf.

[42] L. Lin, J. Lin, C. M. Chu and L. Chen "Caregiver attitudes to gynaecological health of women with intellectual disability", *Journal of Intellectual and Developmental Disability*, vol. 36, No. 3 (September 2011); A. Albanese and N. Hopper, "Suppression of menstruation in adolescents with severe learning disabilities", *Archives of Disease in Childhood*, vol. 92, No. 7 (July 2007).

[43] A. Pollock, N. Fost and D. Allen, "Growth attenuation therapy: practice and perspectives of paediatric endocrinologists", *Archives of Disease in Childhood*, vol. 100, No. 12 (December 2015); N. Kerruish, "Growth attenuation therapy: views of parents of children with profound cognitive impairment", *Cambridge Quarterly of Healthcare Ethics*, vol. 25, No. 1 (January 2016).

used to justify practices that conflict with the child's human dignity and right to physical integrity.[44] Stunting a girl's growth does not represent, by any means, an appropriate response to the lack of support that families may encounter in providing assistance to their girls with disabilities.

33. Girls with disabilities are also likely to be proposed for marriage in regions and communities where child marriage occurs. Indeed, families are more prone to force girls with disabilities into marriage because they see it as a way to ensure long-term security and protection for their children.[45] In addition, the Committee on the Rights of Persons with Disabilities has strongly condemned the practice of female genital mutilation affecting girls and women with disabilities in a number of countries.[46]

D. Sexual and gender-based violence against girls and young women with disabilities

34. Girls and young women with disabilities are disproportionately affected by different forms of gender-based violence, including physical, sexual, psychological and emotional abuse; bullying; coercion; arbitrary deprivation of liberty; institutionalization; female infanticide; trafficking; neglect; domestic violence; and harmful practices such as child and forced marriage, female genital mutilation, forced sterilization and invasive and irreversible involuntary treatments (see A/HRC/20/5, paras. 12-27). Many of those forms of violence are a consequence of the intersection between disability and gender, and might happen while a girl or young woman with disabilities performs daily hygiene, receives treatment or is overmedicated. Gender-based violence occurs at home, in institutions, in schools, in health centres and in other public and private facilities, and perpetrators are frequently relatives, caregivers and professionals on whom the girl or young woman may depend.

35. Evidence on sexual and gender-based violence against girls and young women with disabilities is robust. Studies from across the globe show that they are at increased risk of violence, abuse and exploitation compared with those without disabilities, and with boys and young men with disabilities.[47] Overall, children with disabilities are almost four times more likely to experience violence than children without disabilities.[48] However, the risk is consistently higher in the case of deaf, blind and autistic girls, girls with psychosocial and intellectual disabilities and girls with multiple impairments.[49] Belonging to a racial, religious or sexual minority, or being poor, also increases the risk factor for sexual abuse for girls and young women with disabilities.[50] Humanitarian crises and conflict and post-

[44] See Committee on the Rights of the Child, general comment No. 13, para. 61.

[45] E. Shrestha, A. Singh, B. Maya and P. Kuyu, *Uncovered realities: Exploring experiences of child marriage among children with disabilities* (Plan International Norway, 2017).

[46] See CRPD/C/GAB/CO/1, paras. 40-41, CRPD/C/KEN/CO/1, paras. 33-34, CRPD/C/ETH/CO/1, paras. 39-40 and CRPD/C/UGA/CO/1, paras. 34-35.

[47] E. A. Davies and A. C. Jones, "Risk factors in child sexual abuse", *Journal of Forensic and Legal Medicine*, vol. 20, No. 3 (April 2013); K. M. Devries, N. Kyegombe, M. Zuurmond, J. Parkes, J. C. Child, E. J. Walakira, et al., "Violence against primary school children with disabilities in Uganda: a cross-sectional study", *BMC Public Health*, vol. 14, No. 1 (September 2014); I. Hershkowitz, M. E. Lamb and D. Horowitz, "Victimization of children with disabilities", *American Journal of Orthopsychiatry*, vol. 77, No. 4 (October 2007).

[48] Lisa Jones, et al., "Prevalence and risk of violence against children with disabilities: a systematic review and meta-analysis of observational studies", *The Lancet*, vol. 380, No. 9845 (July 2012).

[49] E. Brunnberg, et al., "Sexuality of 15/16-year-old girls and boys with and without modest disabilities"; S. J. Caldas and M. L. Benoy, "The sexual maltreatment of students with disabilities in American school settings", *Journal of Child Sexual Abuse*, vol. 23, No. 4 (2014).

[50] S. L. Martin, N. Ray, D. Sotres-Alvarez, L. L. Kupper, K. E. Moracco, P. A. Dickens, et al., "Physical and sexual assault of women with disabilities", *Violence Against Women*, vol. 12, No. 9 (September 2006).

conflict settings generate additional risks of sexual violence and trafficking that affect girls with disabilities.

36. Girls and young women with disabilities also encounter significant challenges when attempting to access justice, prevention mechanisms and response services for sexual and gender-based violence. Sexual assault is often underreported, and even more so when the individual has a disability.[51] Girls and young women with disabilities face numerous challenges when reporting abuses, such as the risk of being removed from their homes and institutionalized; stigmatization; fears with regard to single parenthood or losing child custody; the absence or inaccessibility of violence prevention programmes and facilities; the fear of the loss of assistive devices and other supports; and the fear of retaliation and further violence by those on whom they are both emotionally and financially dependent (see A/67/227, para. 59). In addition, when, as survivors of sexual violence, they report the abuse or seek assistance or protection from judicial or law enforcement officials, teachers, health professionals, social workers or others, their testimony, especially that of girls and women with intellectual disabilities, is generally not considered credible, and they are therefore disregarded as competent witnesses, resulting in perpetrators avoiding prosecution.[52]

37. Physical and communication barriers in the justice system hinder access to justice by girls and young women with disabilities and their ability to seek and obtain redress. The barriers include lack of accessibility and reasonable and procedural accommodations, such as sign language interpretation, alternative forms of communication and support services that are age- and gender-sensitive. For example, the lack of provision of sign language interpretation can significantly limit the chances of success of deaf applicants. Moreover, owing to prejudices and stereotypes, courts commonly discount the testimony of girls and young women with disabilities in sexual assault cases, from questioning whether girls and young women with intellectual disabilities can understand the oath when testifying to discrediting the testimony of blind witnesses because they are not "able" to know/perceive the sequence of events. Courts often also fail to develop child-friendly proceedings adapted to the particular circumstances of girls with disabilities, including the provision and delivery of gender-sensitive and child-friendly information.[53]

IV. Implementing sexual and reproductive health and rights of girls and young women with disabilities

38. States can take a number of measures to improve sexual and reproductive health and rights of girls and young women with disabilities, including by reviewing their legal and policy frameworks; taking concrete measures in the areas of education and information, access to justice, accessibility, non-discrimination and participation; and by allocating specific budgets for their implementation.

A. Legal framework

39. States must ensure a supportive legislative and regulatory framework for the sexual and reproductive health and rights of girls and young women with disabilities. Existing general laws and regulations that restrict the free access of girls and women to sexual and

[51] I. Hershkowitz, et al., "Victimization of children with disabilities".

[52] B. L. Bottoms, K. L. Nysse-Carris, T. Harris and K. Tyda, "Jurors' perceptions of adolescent sexual assault victims who have intellectual disabilities", *Law and Human Behavior*, vol. 27, No. 2 (April 2003).

[53] See Committee on the Rights of Persons with Disabilities, general comment No. 3, para. 52, and Committee on the Rights of the Child, general comment No. 12 (2009) on the right of the child to be heard, paras. 32-34.

reproductive health services, including by requiring spousal or parental consent or setting a minimum age, should be amended to facilitate universal and equitable access to sexual and reproductive health information and services.[54] Narrow definitions of sexual violence, including sexual assault and rape, should be reviewed to include all forms of violence experienced by girls and young women with disabilities.

40. States must immediately repeal all legislation and regulatory provisions that allow the administration of contraceptives to and the performance of abortion, sterilization or other surgical procedures on girls and young women with disabilities without their free and informed consent, and/or when decided by a third party. Furthermore, States should consider adopting protocols to regulate and request the free and informed consent of girls and young women with disabilities with regard to all medical procedures. Colombia, for example, recently adopted regulations for the delivery of sexual and reproductive health services to persons with disabilities, which include references to the provision of reasonable accommodation and support in decision-making.[55] Laws permitting substituted decision-making and involuntary treatment of persons with disabilities must also be revoked.

B. Policy framework

41. The rights of and needs of girls and young women with disabilities must be mainstreamed and addressed by States in all policies and programmes on sexual and reproductive health and rights. Many States have a range of policies and strategies that specifically address both the rights of persons with disabilities and sexual and reproductive health and rights, but those are usually disconnected and do not include a child, youth or gender perspective. Moreover, where policies and strategies identify persons with disabilities as key vulnerable groups, there is generally little focus on the specific challenges faced by girls and young women with disabilities. States must ensure that their health-care systems and services meet the specific sexual and reproductive health needs of adolescents with disabilities.

42. Sexual and reproductive health care must be provided for free or at an affordable cost to all girls and young women with disabilities, including access to products and medicines.[56] Universal health coverage can increase their access to quality sexual and reproductive health care. Social protection systems also help to address the additional costs that girls and young women with disabilities face when accessing sexual and reproductive health care, and to facilitate support services for those who might need it (see A/70/297, paras. 4-9, and A/HRC/34/58, para. 68). States must also ensure that girls and young women with disabilities benefit from the same range and quality of sexual and reproductive health services and programmes as other women and girls.[57]

43. States must ensure that sexual and reproductive health care is provided as close as possible to the communities where girls and women with disabilities live.[58] Distance from/to health-care facilities in rural and remote areas constitutes a significant barrier to persons with disabilities owing to poverty, the absence of accessible and affordable transport and the lack of support. States must ensure that their rural development strategies include measures to promote access to quality sexual and reproductive health care for girls

[54] See Committee on Economic, Social and Cultural Rights, general comment No. 22, para. 44, Committee on the Rights of the Child, general comment No. 15, para. 31, and A/54/38/Rev.1, para. 14.

[55] Ministry of Health and Social Protection of Colombia, resolution 1904, 31 May 2017.

[56] See Committee on Economic, Social and Cultural Rights, general comment No. 22, para. 17.

[57] Ibid., para. 24.

[58] See Convention on the Rights of Persons with Disabilities, art. 25.

and women with disabilities, including community-based strategies and outreach services (e.g., mobile clinics, health caravans, telemedicine and phone-based strategies).

C. Education

44. States need to provide comprehensive and non-discriminatory sexuality education to girls and young women with disabilities, both within and outside school (see A/65/162, paras. 62 and 87). It should include information about self-esteem and healthy relationships; sexual and reproductive health, contraception and sexually transmitted diseases; the prevention of sexual and other forms of exploitation, violence and abuse; stigma and prejudices against persons with disabilities; gender roles; and human rights. Indeed, sexuality education has been found to be effective in improving the sexual knowledge and skills of youth with disabilities, and in reducing sexual violence against them.[59] States must ensure that their sexuality education programmes are inclusive of girls and young women with disabilities and their specific needs, and that they are made available in accessible and alternative communication formats. Peer-education programmes are effective ways to enhance knowledge and skills with regard to the sexual and reproductive health and rights of girls and young women with disabilities.

45. States should train health-care personnel, teachers, community workers and other public officials on the sexual and reproductive health and rights of girls and young women with disabilities. All primary health-care workers dealing with sexual and reproductive health, particularly in rural and remote areas, must be adequately trained, prepared and supported in their work.[60] For example, in Guwahati, India, a team of service providers was trained to provide support to young persons with disabilities with regard to accessing sexual and reproductive health and rights information and services and identifying sexually abusive behaviours. The adoption of technical guidelines on how to provide adequate sexual and reproductive health and rights information and services to girls and young women with disabilities is recommended. In Uruguay, for example, the government developed a guide on sexual and reproductive health and rights of persons with disabilities that has been distributed to all health centres across the country.

46. States must provide information and assistance to families of girls and young women with disabilities in relation to sexual and reproductive health and rights. Families may need assistance in understanding their child's sexuality, ways to support their sexual and reproductive health needs and ways to avoid, recognize and report instances of sexual exploitation, violence and abuse. Studies have shown that training can change the attitudes of parents towards the sexuality of their children with disabilities and improve their confidence in talking to them about sexuality.[61] Parents and family members need guidance on understanding the importance of sexuality education and respecting their children's right to express their views freely, which will help them overcome fears about the risk of sexual exploitation and abuse of girls and young women with disabilities. Families should be involved not just as recipients of training but as participants of awareness-raising initiatives to modify their own attitudes and practices in relation to their children with disabilities.

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[59] J. Duh, "Sexual knowledge of Taiwanese adolescents with and without visual impairments"; S. Altundağ and N. Ç. Çalbayram, "Teaching menstrual care skills to intellectually disabled female students".

[60] WHO, *Sexual and reproductive health core competencies in primary health care* (Geneva, 2011).

[61] K. Clatos and M. Asare, "Sexuality education intervention for parents of children with disabilities: a pilot training program", *American Journal of Health Studies*, vol. 31, No. 3 (June 2016); G. Yildiz and A. Cavkaytar, "Effectiveness of a sexual education program for mothers of young adults with intellectual disabilities on mothers' attitudes toward sexual education and the perception of social support", *Sexuality and Disability*, vol. 35, No. 1 (March 2017).

D. Access to justice

47. States must ensure effective access to justice for girls and young women with disabilities who experience sexual and other forms of violence. Access to effective and accessible judicial and other appropriate remedies is critical to combating all forms of exploitation, violence or abuse against girls and young women with disabilities in the public and private spheres. States must eliminate all restrictions preventing girls and young women with disabilities from accessing justice, including restrictive rules on legal standing on the basis of age and disability.

48. States need to take all appropriate legislative, administrative and other measures necessary to ensure the provision of procedural and age-appropriate accommodations for girls and young women with disabilities, which is essential to enabling their effective direct and indirect participation, including as witnesses, in all legal proceedings, from investigative and other preliminary stages to court hearings. All protection services must be age-, gender- and disability-sensitive.[62] For instance, the Kenya Association for the Intellectually Handicapped provides training to law enforcement officials, health personnel and service providers on the provision of reasonable and procedural accommodations to persons with intellectual disabilities and on respect for their personal autonomy.

49. States have an obligation to prevent, investigate, prosecute and try all acts of violence, including sexual violence, and to protect the rights and interests of the victims.[63] National human rights institutions and civil society organizations can play a key role in carrying out inquiries and investigations on exploitation, violence or abuse against girls and young women with disabilities, and in assisting all women with disabilities in accessing legal remedies. For instance, the National Union of Women with Disabilities of Uganda trained 32 women with disabilities as paralegals with knowledge about the rights of women and girls with disabilities related to sexual and reproductive health and rights and gender-based violence. The paralegals offer peer-to-peer support with regard to reporting violations and conducting the necessary follow-up to ensure justice is achieved. States should consider reparations and redress mechanisms for girls and young women with disabilities who have been subjected to harmful practices, such as forced sterilization and forced abortion, particularly within institutions (see CEDAW/C/JPN/CO/7-8, paras. 24-25).

E. Accessibility

50. States must ensure the full accessibility of all sexual and reproductive health and rights information and services. All public and private facilities and services open or provided to the public, including gynaecological and obstetric services, must take into account all aspects of accessibility for women with disabilities, including accessibility with regard to infrastructure, equipment and information and communications. Transport to reach those services must be accessible, as otherwise girls and young women with disabilities will continue to be obstructed from enjoying and exercising their sexual and reproductive health rights in practice.[64]

51. States must ensure that all information and communication pertaining to sexual and reproductive health and rights are accessible to persons with disabilities, including through sign language, Braille, accessible electronic formats, alternative script, easy-to-read formats, and augmentative and alternative modes, means and formats of communication.[64] For instance, call centres to report cases of gender-based violence must be accessible to

[62] See Convention on the Rights of Persons with Disabilities, art. 16.

[63] See Committee on Economic, Social and Cultural Rights, general comment No. 22, para. 64.

[64] See Committee on the Rights of Persons with Disabilities, general comment No. 2 (2014) on article 9: accessibility, para. 40.

deaf and hard-of-hearing girls and women through text messaging or other alternative methods. For example, Illinois Imagines has developed guides and other materials for rape crisis centres, disability service agencies and self-advocates that include guidance for prevention education programmes and picture guides about sexual assault exams and the rights of sexual violence survivors.[65] The University of Tartu in Estonia has provided training for teachers on how to deliver comprehensive sexuality education in plain language so that children with intellectual disabilities can benefit equally from the lessons.

F. Non-discrimination

52. States have an obligation to provide access to sexual and reproductive health and rights services to all girls and young women with disabilities without discrimination. States must therefore eliminate discrimination against girls and young women with disabilities in law, policy and practice; ensure child- and gender-sensitive policies and programmes; and prohibit all forms of discrimination in the provision of those services. Moreover, States need to take measures to provide disability- and age-appropriate support and reasonable accommodation to girls and young women with disabilities so that they can access and enjoy those services and facilities on an equal basis with others.

53. States must recognize the existing layers of identities within the disability community in order to adequately address the inequalities and intersectional discrimination experienced by girls and young women with disabilities. States should consider developing and implementing policies and practices targeting the most marginalized groups of girls and young women with disabilities (e.g., those with multiple or severe impairments and deaf-blind girls and young women) in order to accelerate or achieve de facto equality.

G. Participation

54. States must consult and involve children with disabilities, including girls and adolescents, in the implementation of sexual and reproductive health and rights as provided by articles 4, paragraph 3, and 7 of the Convention on the Rights of Persons with Disabilities. It is crucial that girls and young women with disabilities be consulted, as they are the experts on their own lives. Girls and young women with disabilities, even the youngest, have the right to participate in policymaking, so they must be provided with disability- and age-appropriate support. Plan International has developed guidelines for consulting with children and young people with disabilities that contain practical suggestions on the matter.[66]

55. States should be aware that the views of girls and young women with disabilities might collide with those of their families and caregivers. While organizations of parents of children with disabilities are instrumental in promoting and securing the autonomy and active participation of their children, States must always take into consideration the will and preferences of children with disabilities (see A/HRC/31/62, para. 36). Similarly, mainstream organizations of persons with disabilities might have different views from those of children with disabilities, therefore it is important to consult and engage directly with girls and adolescents with disabilities.

[65] See Illinois Imagines, "Materials — toolkit and other material". Available from www.icasa.org/index.aspx?PageID=1045.

[66] Plan International, "Guidelines for consulting with children and young people with disabilities". Available from https://plan-international.org/publications/guidelines-consulting-children-and-young-people-disabilities.

H. Data collection

56. States must collect appropriate information, including statistical and research data, to formulate and implement disability-inclusive sexual and reproductive health and rights policies and programmes and monitor and evaluate progress in promoting and protecting the rights of girls and young women with disabilities.[67] The lack of reliable and comparable statistical data on sexual and reproductive health and rights of girls and young women with disabilities is alarming, particularly in middle- and low-income countries. Academic literature on the sexual and reproductive health and rights of girls with disabilities is also scant and tends to focus on self-reported experiences and challenges rather than on positive interventions.[68] In this regard, the Special Rapporteur welcomes the upcoming United Nations Population Fund global study on the sexual and reproductive health and rights of young people with disabilities, which will also cover gender-based violence.

57. The Sustainable Development Goals, which call for a significant increase in the availability of high-quality, timely and reliable data disaggregated by, inter alia, gender, age and disability (Goal 17), represent a unique opportunity to collect better data related to the sexual and reproductive health and rights of girls and young women with disabilities. The short set of six questions on disability formulated by the Washington Group on Disability Statistics provides a well-tested method for disability data disaggregation in national censuses and surveys, including household and demographic and health surveys. In addition, the United Nations Children's Fund (UNICEF) and the Washington Group on Disability Statistics have developed a module on child functioning, which covers children between the ages of 2 and 17 that can be incorporated into existing data collection efforts.[69] The module is included in the current round of the UNICEF-supported multiple indicator cluster survey that will be implemented in more than 35 low- and middle-income countries during the next three years.[70]

I. Resource mobilization

58. States have an obligation to take immediate steps to the maximum of their available resources, including those made available through international cooperation, to ensure that girls and young women with disabilities can fully exercise their sexual and reproductive rights and access quality sexual and reproductive health services.[71] Government plans and budgets must incorporate sexual and reproductive health and rights policies and strategies and consider the particular needs of girls and young women with disabilities. Participatory budgeting processes and earmarked funds can help expand the allocation of public funds in that area. States should regularly monitor whether or not the resources available were used

[67] See Convention on the Rights of Persons with Disabilities, art. 31.

[68] S. Hellum Braathen, P. Rohleder and G. Azalde, "Sexual and reproductive health and rights of girls with disabilities: a review of the literature", SINTEF Technology and Society, 2017. Available from www.sintef.no/globalassets/sintef-teknologi-og-samfunn/en-sintef-teknologi-og-samfunn/2017-00083_report-sintef-uel-literature-review-srhr-girls-disability-with-appendices.pdf.

[69] UNICEF, "A new way to measure child functioning". Available from https://data.unicef.org/topic/child-disability/module-on-child-functioning.

[70] The Demographic and Health Surveys Program of the United States Agency for International Development has recently developed a new disability module based on the Washington Group on Disability Statistics' short set of questions, which can be inserted into household questionnaires to collect data on disability for all persons in the household aged 5 and above. Available from http://dhsprogram.com/Who-We-Are/News-Room/Collaboration-yields-new-disability-questionnaire-module.cfm.

[71] See Committee on the Rights of the Child, general comment No. 19 (2016) on public budgeting for the realization of children's rights, paras. 28-33.

to progressively achieve the full realization of the sexual and reproductive health rights of girls and young women with disabilities.

59. The Sustainable Development Goals, which contain specific targets and references to sexual and reproductive health and rights and to persons with disabilities, constitute an excellent opportunity to achieve a coordinated engagement of international donors to advance the sexual and reproductive health and rights of girls and young women with disabilities. According to article 32, paragraph 1 (a), of the Convention on the Rights of Persons with Disabilities, international donors must ensure that all international cooperation, including international development programmes in the area of sexual and reproductive health and rights, is inclusive of and fully accessible to persons with disabilities.

V. Conclusions and recommendations

60. **Girls and young women with disabilities have the same sexual and reproductive health and rights as other girls and young women. However they encounter significant obstacles in exercising and accessing those rights, including stigma and stereotypes, restrictive legislation and a lack of child- and disability-appropriate information and services. Moreover, poverty and/or social exclusion deprive them of the necessary knowledge to develop healthy relationships and increase the risk of sexual abuse, sexually transmitted diseases, unintended pregnancies and harmful practices. Grave human rights violations such as forced sterilization, forced abortion and forced contraception are frequent, and the violence experienced by girls and young women with disabilities remains largely invisible.**

61. **The lack of attention to the above-mentioned situations puts those girls and women in grave danger. States have the power to stop that from happening by establishing legal and policy frameworks that recognize and protect the sexual and reproductive health and rights of girls and young women with disabilities by ending all involuntary and harmful practices affecting them. Moreover, States must support the process of empowerment of those young women and girls to enable them to make autonomous decisions about their sexual and reproductive lives. The attitudes and practices of health-care professionals, service providers, teachers and families must also be revised in line with international human rights standards, as in many cases their responses limit the full enjoyment of rights by girls and young women with disabilities.**

62. **The Special Rapporteur makes the following recommendations to States:**

(a) **Recognize by law the sexual and reproductive health and rights of girls and young women with disabilities, and remove all legal barriers that prevent them from accessing sexual and reproductive health information, goods and services, including legislation that limits their right to make autonomous decisions;**

(b) **Prohibit by law the forced sterilization of girls and young women with disabilities, as well as other compulsory or involuntary practices affecting their sexual and reproductive health and rights, and ensure adequate procedural safeguards to protect their right to free and informed consent;**

(c) **Mainstream the rights of girls and young women with disabilities in all sexual and reproductive health and rights strategies and action plans to ensure that all sexual and reproductive health information, goods and services are accessible and age-, gender- and disability-sensitive;**

(d) **Ensure that sexual and reproductive health services are respectful of the rights of girls and young women with disabilities, including their right to**

non-discrimination, informed consent prior to being subjected to any medical treatment, privacy and freedom from torture or other cruel, inhuman or degrading treatment;

(e) Design and implement comprehensive inclusive and accessible sexuality education programmes and materials for girls and young women with disabilities within and outside the school system;

(f) Ensure that services and programmes aimed at protecting women and girls from violence, including police stations, shelters and courts, are inclusive of and accessible to girls and young women with disabilities;

(g) Provide adequate training to law enforcement officials, prosecutors and judges on how to protect girls and young women with disabilities from violence;

(h) Encourage and support the effective independent monitoring by national human rights institutions or other independent bodies of all public and private facilities and programmes that provide services to persons with disabilities, prevent all forms of exploitation, violence and abuse and take action when human rights violations are encountered;

(i) Implement awareness-raising programmes designed to change the societal perception of the sexual and reproductive health and rights of girls and young women with disabilities and end all forms of violence against them, including forced sterilization, forced abortion and forced contraception;

(j) Support families, including through the provision of information, education and services, in strengthening their ability to understand and address the sexual and reproductive health and rights of girls and young women with disabilities, free from stigma and stereotypes;

(k) Adopt strategies to ensure the direct participation of girls and young women with disabilities in all processes of public decision-making related to sexual and reproductive health and rights, including the development of legislative or policy measures regarding sexual and gender-based violence and other forms of abuse, and guarantee that such participation is conducted in a safe environment with age- and disability-appropriate support;

(l) Collect information, including statistical and research data, on the sexual and reproductive health and rights of girls and young women with disabilities, including with regard to harmful practices and all forms of violence, disaggregated by sex, age and disability;

(m) Mobilize resources within the framework of the Sustainable Development Goals and invest in inclusive programmes that increase the access of girls and young women with disabilities to sexual and reproductive health and rights.

63. The Special Rapporteur recommends that the United Nations, including all its programmes, funds and specialized agencies, adequately consider the sexual and reproductive health and rights of girls and young women with disabilities in all its work, including when assisting States in the implementation of mainstream policies and programmes.